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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

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THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND

EDITED AND ABRIDGED BY

P. HUME BROWN, M.A., LL.D.,

HONORARY FELLOW OF THE ROYAL HISTORICAL SOCIETY,
FRASER PROFESSOR OF ANCIENT (SCOTTISH) HISTORY AND PALÆOGRAPHY
IN THE UNIVERSITY OF EDINBURGH.

SECOND SERIES.

VOL. V.

A.D. 1633–1635.

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INTRODUCTION.

The period covered by the present volume of the Privy Council Register extends from January 1633 to March 1635. The central event of these years was the long-deferred visit of Charles I. to his northern kingdom, which was fraught with such momentous consequences for himself and for his subjects, equally in Scotland and England. The outstanding events in England during the period were the confirmed ascendancy of Laud in the ecclesiastical policy of Charles, the beginnings of Wentworth's policy of "Thorough" in Ireland, and the incipient discontent in connection with the levying of Ship-money. Directly or indirectly all these events had their own bearings on affairs of Church and State in Scotland. The main pre-occupation of Western Europe at large was still the Thirty Years' War, of which the most notable events during our period were the fall of Wallenstein and his assassination in February 1634. Out of its fervent Protestant sympathies Scotland had from the beginning been profoundly interested in a conflict in which it saw the fate of its own religion at stake; it had sent its own contingents to the assistance of the Protestant cause, and both the Privy Council and the nation had warmly responded to the appeals of the Palatinate ministers for charitable aid towards the alleviation of their miseries.

The Council.

In the Introduction to the preceding volume of the Register an account was given of the reconstruction of the Council in March 1631. During the period covered by the present volume the Council remained substantially the same body as it was then

reconstructed. Certain changes in its *personnel* have to be noted, however, which are directly connected with Charles's policy both as regards Church and State. At different times the following persons were admitted into the Council:—

James, 4th Duke of Lennox,
William, 9th Earl of Errol,
Richard, Earl of Portland, Lord High Treasurer of England,
Thomas, Earl of Arundel and Surrey, Lord Marshal of England,
Philip, Earl of Pembroke and Montgomery, Lord Chamberlain of England,
William, Earl of Salisbury,
James, Earl of Carlisle,
Henry, Earl of Holland,
William Laud, Bishop of London,
Sir Harry Vane, Controller of His Majesty's Household,
Sir John Cooke, Secretary of State for England,
Theophilus, Earl of Suffolk,
John, Earl of Kinghorn,
Thomas, Lord Binning,
John Guthrie, Bishop of Moray,
John Maxwell, Bishop of Ross,
William Forbes, 1st Bishop of Edinburgh,
David Lindsay, 2nd Bishop of Edinburgh,
Sir John Carmichael of that Ilk,
William, Lord Alexander.

The nine Englishmen above named were all appointed Scottish Privy Councillors during Charles's visit. In the reconstructed Council of 1631 only the Earl of Carlisle (a Scot by extraction) had been admitted to the Council, but in adding to the number of English members Charles was only following the example of his father—an example which was also followed by Charles II. The presence of Laud's name is to be noted as bearing on Charles's ecclesiastical policy and explaining Laud's close conversance with Scottish affairs. The addition to the Council of two more Scottish bishops—the bishop of Moray and the bishop of the newly-created See of Edinburgh—may be regarded as further evidence of Charles's policy with reference to the Church of Scotland. More notable in the same reference, however, was the appointment of Archbishop Spottiswoode to the Lord Chancellorship—an office which had not been held by an ecclesiastic since the Reformation.

Contents of this Volume.

In the preceding volume of the Register there were two matters that bulked more largely than any other—the "Association for the Fishing" and the "Burning of Frendraught." Of the first we hear little in the present volume; connected with the second, on the contrary, we find more numerous entries than on any other topic. The tragedy of the "Burning" occasioned an outbreak of disorder in the surrounding country which all the efforts of the Government were unable to suppress. As far as the Council is concerned, it may be said that its main preoccupation throughout the period was its fruitless endeavour to deal with these "disorders in the North." Next in the number of entries devoted to it is the matter of the King's visit, in connection with which, however, little new light will be found in this volume. We have the record of no grave deliberations on the momentous questions which were exercising the minds of the King and the nation, and which a few years later were to issue in the revolt that gave birth to the National Covenant; nor will there be found any documents that give a new complexion to the important actions or events of the time. Even in the case of the trial of Lord Balmerino, there are but one or two unimportant notes that add nothing to our knowledge of an event which was the occasion of such intense excitement among the various parties who now divided the Scottish people. As will afterwards be seen, the numerous entries regarding the King's visit almost exclusively relate to the external preparations that were made for his reception. The history of the Privy Council since the beginning of the 16th century is the sufficient explanation of this fact. Neither James VI. nor his son took the Council into their confidence in the high matters of Church and State. In concert with a few trusted advisers both kings hatched the schemes which they meant to impose on the country; and the function of the Council was simply to register and enforce these schemes when they were fully ripe. Though the Register throws little light on the secret springs of the royal policy, however, it would be a serious mistake to conclude that it is devoid of historical interest and importance. Questions of policy apart, the Register is in the fullest sense a record of the

life of the time. There was hardly an interest of the people in all their ranks and degrees which did not receive the attention of the Council and which does not find a place in its records. Manners, customs, trade, commerce, manufactures, standards of feeling and opinion—on all these subjects, all-important for the historical portraiture of any period, its pages supply a mass of information which is to be found in no other source. Only a close examination of the complete record itself can reveal the wealth of vivid detail which it contains, and all that can be essayed in a general introduction is to draw attention to certain classes of facts which are of special importance. For the sake of continuity the same method of selection and arrangement will be followed as in the case of the previous Introductions.

Domestic Legislation.

The Surrenders of Superiorities and Teinds.

The Act revoking the grants of Church and Crown lands, which passed the Privy Seal in October 1625, had been the outstanding event of Charles's reign so far as it yet had gone. According to a contemporary, that Act was "the groundstone of all the mischief that followed after, both to this King's government and family" (Balfour, *Annales*, II., 128). In previous Introductions the history of the Act has been related so far as it is recorded in the pages of the Register. The salient fact in connection with its history was the reluctance and dilatoriness of all parties connected with its administration. The process that was supposed to be going on was the valuation of stock and teind by the sub-commissioners, who were expected to give in their reports to the chief commissioners sitting in Edinburgh. Year followed year, however, and still through the remissness of all the commissioners alike the business dragged slowly on. It was in September 1629 that the "Decreits Arbitral" had been pronounced, and, though we are now at the opening of 1633, the valuation was apparently still far from being an accomplished fact The evidence of the present volume is to the same effect as that of its predecessors: the lay and ecclesiastical com-

missioners alike exerted their ingenuity in shirking the odious duty that had been imposed on them. For example, in February 1633, we find no fewer than three urgent exhortations to the chief commissioners to be more attentive to their duties (pp. 29, 32, 35). From the beginning the bishops had been hostile to the Act, and such of them as had been appointed on the Commission had distinguished themselves by the perfunctory discharge of their office. As the Council was held responsible by Charles for the carrying through of the valuations, it was occasionally at its wits' end how to keep the commissioners to their task. "Forsameekle," runs one entry, "as the progresse of the Commissioun for the Surrenders in this approacheing moneth of Marche is lyke to be frustrat and hindered by the absence of some of the clergie who wer entrusted to attend that service, whilk will not onelie be offensive to his Majestie, bot hurtfull to manie of the subjects who look for ane outred and dispatche of thair bussines in that moneth" (p. 32); and the entry proceeds to enjoin the bishops of Argyle, Dunkeld, and Caithness to appear at the next meeting of the Commission "under the pane of rebellioun." It may have been in the Council's despair at the hopelessness of the existing Commission that in July 1633 it created a new Commission, and rigidly fixed the terms of its meeting (p. 124). The new Commission, however, proved to be as remiss as its predecessor: at a sederunt which took place in the following November no fewer than six members failed to appear and had to be threatened with pains and penalties (p. 141). Thus, while the nation was in lively agitation over Charles's ecclesiastical novelties, this slow business of the valuations was widening the breach between him and the greater and lesser barons who had resented the Act of Revocation from the beginning.

Proceedings against Papists.

In the present volume we find the usual proceedings against Roman Catholics, still existing in considerable numbers in certain parts of the country. Since the energetic action of the Council against Papists in 1629 its efforts appear to have somewhat slackened, either from the success of that action or from a feeling that it had done its utmost to extirpate the dreaded pest. An

incident that happened at Dumfries, however, called for a decisive exercise of its authority. In February, 1634, the Councillors received a "supplication" from the Presbytery of Dumfries to the following effect. Two dwellers in the Presbytery, Robert Rig, wright "at the Brigend of Dumfries," and Elspeth Maxwell, "callit of Conheth," had taken upon themselves to get married by a Papist priest one Sunday night "with candle light above the brig of Clowden in the feilds." Such an act, urged the supplicants, must be punished according to the laws of the land, and they prayed the Council not to fail in its duty. Robert Rig and Elspeth Maxwell were not the only Papists in their bounds, and the Presbytery specified certain persons who had been lodged in the town gaol for the crime of hearing mass, and for whose future treatment they must look to the Council (pp. 260, 606). In due course all the accused parties, twenty-one in all, made their appearance before the high tribunal, when the usual question was put to them. Would they conform to the "religion presently profest within this kingdome," and express their contrition for their past backsliding? Eight expressed themselves as "heartilie sorrowfull for the scandall they had given to the kirk," and were charged to find lodgings in Edinburgh and to keep strictly within doors till such time as they were "relieved." Seven, on the other hand, refused to deny their faith, and were consigned to the Tolbooth, there to remain at their own expense till it should please the Councillors to release them (p. 292). In Aberdeenshire, also, Papists still continued to hold their heads high in spite of all the repressive legislation that had been directed against them. Certain of them who were under sentence of exile obstinately remained at home, while others who had been in exile had openly returned without the necessary licence. The reason for this audacity is not far to seek; in the Catholic Earl of Huntly they had a patron and protector who, so far as circumstances would permit, did his utmost to shield all of his own faith who were in any way dependent on him. It is true that the Council held him strictly to account for the enforcement of the laws against Papists, and that at this very period he was under a summons to appear before it to answer for neglecting

his responsibilities. It is to be noted, however, that whenever the Council was disposed to take stringent measures against him, Charles intervened in his favour, as he did on the occasion of the present summons, and stayed further proceedings against one whose position and authority it was a matter of policy to conciliate (p. 53).

Administration of Justice—The Middle Shires.

A significant fact to which our attention is drawn in the present volume is the recrudescence of disorder in the "Middle Shires," as James VI. was pleased to call the English and Scottish Border Counties. In 1609 the Earl of Dunbar reported to James that the Middle Shires were as "lawful, as peaceable, and as quiet as any part in any civil kingdom in Christianity." It was mainly by James's ingenious device of a Joint-Commission of English and Scots that this happy result had been attained, and, so long as this Commission lasted, the Borders had remained in a tolerably satisfactory condition. After James's death, however, the Commission had lapsed, and it was straightway made clear that the ancient spirit of the Borders was not dead. By the year 1628, three years after Charles's succession, the state of things in these districts had become such as to force itself on the attention of the Council. The device of King James, which had proved so effective for the repression of the mischief, naturally suggested itself to the Councillors, and they recommended to Charles the resuscitation of the Joint-Commission. In a letter to the Council, March 1628 (Vol. II., 254, Second Series), Charles granted the necessary warrant for the appointment of such a Commission, but for reasons which are not specified the Council did not take action. In 1635, however, there came such reports of the condition of the troublesome districts that some strenuous action was imperative. In the new warrant which Charles sent down for the appointment of a Commission we have the revelation of a state of things which recalls the worst days of the Borders. Such a passage as the following might lead us to believe that the times of Johnnie Armstrong were revived in all their vigour: —"diverse malefactors . . . . . combyning thameselffes togidder and making unlawfull assembleis and conventions togidder, als weill in places publict as privat, doe daylie goe

armed and leade about, als weill by day as by night, ane armed power to attempt and committ diverse wicked and lewde attempts, contrarie to the peace of both our kingdomes and contrarie to the lawes and customes in both thame had and respectively used, by illusing, assaulting, wounding, mayming, and wickedlie killing diverse of our subjects and others, robbing and spoyling of thair goods, and some taking and imprissouning and in prison keeping in extreme hunger and cold even unto death, untill they sall make great and greevous fynes for the redemptioun of thair persons, and also committing murthers, manslaughters, burglareis, ravishmentis, robreis, felloneis, waists, beside burning of houssis and barnes full of corne" (pp. 496–7). Another reform of James VI. for the maintenance of good order in his northern kingdom had been the appointment of Justices of Peace, the efficacy of whose functions he had seen exemplified in England. The office had not fallen into abeyance like the Joint-Commission for the Middle Shires, but it is evident that for some years the new system had been but imperfectly administered throughout the country at large. Not only was there an insufficient number of Justices for each shire, but those who held the office were remiss in the discharge of their duty. It was to remedy both of these evils, therefore, that in September 1634 a full complement of Justices was nominated for the whole kingdom, and that the terms of their commission were precisely defined. The Commission exactly followed the Act of 1609 which had created the office; the Justices were to have no concern with the administration of the law, but were to confine themselves to binding over disorderly persons to appear before the Council (pp. 378–391). It was not till the reign of Charles II. (1661) that the Justices received powers to judge in the case of breaches of the peace. Still in connection with the administration of justice we have to note the continued existence of the "Commission of revising the laws." There are several entries under this head (pp. 11, 32, 138, 206, 227, 280), all of which go to show that Charles had a keen personal interest in the work of the Commission, but beyond specifying the names of its members and times and places of

Justices of Peace.

Commission for the Revision of the Laws.

meeting, these entries tell us nothing of any results which had followed from their deliberations.

Trade Legislation. — The "Association for the Fishing."

Of the great enterprise known as the "Association for the Fishing," which was described in the preceding volume of the Register, we do not hear much in the present volume. The scheme, however, had been fairly launched, and the boats belonging to the Association were now busy at work in the Scottish seas. Two impediments to the conduct of their business had arisen, to which the attention of the Council had been directed; contrary to royal proclamation, foreign vessels were frequenting the Western Islands for the purpose of fishing, and, contrary to the terms under which the Association had been formed, its ships were being subjected to exorbitant dues by the "landlords and heritors" of the Islands. With the object of investigating and checking these practices, therefore, the Council granted a commission to Lord Lorne (afterwards the "great" Marquis of Argyle) and the Bishop of the Isles to call the heritors and landlords before them, and, if possible, to come to some mutual understanding. On these persons being duly summoned they made some interesting statements regarding the levying of fishing dues in the Islands. In the time of the herring fishing every boat had to pay for the right of anchorage a barrel of ale or meal (the choice was left to the owner); for every anchor laid on the shore six shillings and eightpence; and for every last of herring caught three pounds in money; while every Saturday's fishing went to the landlord or heritor. In the case of the Association boats, the parties alleged that they had made considerable abatement in the dues exacted; from each of its boats engaged in the herring fishing they had only levied thirty-six shillings, and from each engaged in grey and white fishing they had only taken twenty marks. As for anchor and harbour charges, only such dues had been exacted as had been determined by a contract which had been duly registered in the books of the Council. On being asked on what grounds they claimed the right of imposing all these dues, their reply was that it was "ane ancient custome and in use to be done past memorie of man." Regarding the illicit fishing by foreigners, they declared that the

Council had been misinformed; no foreign ships had fished in their waters since the Association had begun its work (pp. 414–416). What was the result of the enquiry by Lorne and the Bishop does not appear from the present volume.

Manufacture of Plaiding.

The most important trade legislation of the Council was with reference to the sale of plaiding, *i.e.*, coarse woollen cloth. The manufacture of plaiding had for several centuries been by far the most important of Scottish industries. It was manufactured in all parts of the country—even in the Western Islands, from which it was procured by traders from the Netherlands and Denmark; it employed the largest number of hands of any industry, and its export brought in the largest return. The national income from the export of salt, which came next in importance, was only about half what was realised from the export of plaiding, which, leaving salt out of account, was nearly equal in value to all other exports taken together. Such being the economic importance of plaiding, it was matter of prime concern that its manufacture should receive careful encouragement. At the Convention of Estates which had met in 1630, the burghs had presented a petition drawing attention to a serious mischief which had arisen in connection with the trade. In selling their material the manufacturers had come to adopt the method of selling it in the form of "hard rolls" instead of "open folds." Several evils had resulted from this practice; cloth of inferior quality was foisted upon the buyer who had not the opportunity of examining it when it was presented in the form of rolls; and as often as not the purchased cloth was not of the length and breadth alleged by the seller. Thus not only the lieges were defrauded, but foreign markets would be lost if cloth of inferior quality should continue to be exported. Charles himself became warmly interested in the question, and urgently referred its settlement to the Council (pp. 304, 318, 477, 478). It was in the northern parts of the kingdom that the mal-practices were most prevalent, and to obtain the necessary information the Council appointed a Commission of northern barons and representatives of the burghs—their instructions being to visit the markets and fairs and ascertain to what extent the alleged dishonest dealing

prevailed. After considerable delay the Commissioners gave in their report, on which the Council founded the following deliverance:—In all time coming plaiding sold in market must be "layed out in folds to the view of the buyers"; when the buyer has once marked and sealed the purchased cloth, he shall not be at liberty to resile from his bargain; if the buyer insists on measuring the cloth the seller shall have the liberty to re-measure it; and finally, "for eschewing of fraude and deceate," all plaiding must be measured with "a lawfull ellwand sufficiently sealed" (pp. 526–7).

Sale of Tobacco.

Tobacco was another commodity which received the attention of Charles I. and his Council. The following *exordium* from an Act for regulating its sale will explain the concern of both:—"Forsamekle as the Kings Majestie, considdering the great abuses and inconvenients heretofore occasiouned in this kingdome through the ungoverned sale and immoderat use of tobacco, quhilk, being first brought in this kingdome in small quantitie and used onelie for physick, is now growin to that excesse, being generallie and promiscuouslie vented and sold in all places and be all persons at thair pleasure and takin so excessivelie, being manie tymes corrupt and rottin, that the health of diverse of his Majesteis subjects hes thereby beene endangered; for redresse of quhilks abuses and preventing thairof in tyme comming his Majestie, tending the good of his subjects, hes resolved to order the sale of that commoditie be suche a way that nane bot suche as upoun examinatioun sall be found to be fitt sall be permitted to sell or utter the same by small or retaile" (p. 271). The method adopted to check the evil was in accordance with the usual practice of the time. Two Commissioners, Sir James Leslie and Thomas Dalmahoy, a dependent of the Marquis of Hamilton, were appointed for a period of seven years with the sole right of granting licence to sell the commodity in question. Such persons as received the licence were to pay a stipulated sum to the Exchequer, and were to give a guarantee that they would dispose of no tobacco except such as was "wholesome and uncorrupt" (pp. 271–3). It was speedily found, however, that these safeguards were of little avail against knavish retailers

encouraged by the inveterate users of the weed. As a further check on illicit dealers, therefore, a fine of a hundred marks was imposed in every case of sale without licence (p. 336). The unlawful traffic went on as busily as ever, and the Council took the further step of empowering sheriffs and provosts and bailies to take action against all known offenders (pp. 393–4). Evidently, however, the Councillors were engaged in a hopeless task. By ingenious devices which eluded the reach of the law tobacco continued to be sold by all manner of unauthorised persons. The ingenious traffickers would employ their children or servants or other "unresponsall persons" to dispose of it in secret, or by another shift they would slump the price of the tobacco with the price of other goods (pp. 430–1). Apparently at its wits' end, the Council finally announced that heads of families would thenceforth be held responsible for the sale of tobacco by all persons dependent on them, but, as succeeding entries (pp. 462, 501) show, the health of his Majesty's subjects continued to be as greatly endangered as ever by the surreptitious vending of a "corrupted and rottin" substitute for the genuine article.

Export of Coal.

An illustration of the fiscal principles of the time is found in connection with a new impost on the export of coal. For two reasons, Charles told his Scottish Council, he had deemed it politic to raise the export duty on coal in his southern kingdom; the necessities of the Exchequer justified the step, and, moreover, if an adequate duty were not imposed on the export of coal, the lieges at home would be sufferers, as the coal-owners would be tempted to send their commodity to foreign countries where it would fetch a higher price. In consistency with his policy in England, therefore, Charles proposed to raise the duty on coal exported from Scotland to six shillings sterling on the chalder. His intention was no sooner announced than the coal-owners as a body lodged a vehement protest with the Council. The Council was thus in an embarrassing dilemma; it sympathised with the coal-owners, but it had been too well schooled to say this in plain words to its master. In a discreet letter to Charles the Councillors told him that they had at once taken steps to see his order carried into effect; they had, indeed, received a

petition against the intended duty, but they had "forborne" to meddle with it; his Majesty would himself see the petition, and would decide thereupon according to his "royal wisdom." In point of fact, the reasons adduced by the coal-owners convinced Charles that the proposed duty was excessive, and that it would be injurious both to his own interests and those of the trade. Instead of raising the duty to six shillings, therefore, he fixed the rate at double the existing duty (pp. 217, 223-4, 258).

Monopolies.

By way of encouraging native manufactures three monopolies were granted during the period covered by the present volume. To Sir James Galloway and Richard Ferar, Esquire, was granted a monopoly for thirty-one years for the making of steel (p. 219), and, Nathaniel Udwart's monopoly in soap having expired, it was transferred to Patrick Maule of Panmure (p. 399). An "accomplished gentleman," Sir Philibert Vermitty, having devised improved methods in the manufacture of glass, the Council besought his Majesty to grant him a monopoly "for the better encouragement of him and others of his qualitie" (p. 513).

The Burghs—Aberdeen.

Certain items regarding the Burghs may be noted, as some of them at least do not appear in their own records. In September 1632 the authorities of the burgh of Aberdeen came to the conclusion that a new water supply was urgently necessary for the health of the community. From the description of the existing water supply it would appear that this resolution was taken not a moment too soon; the water with which the town had hitherto been supplied, we are told, was "filthillie defyllit and corruptit, not onlie be gutteris daylie rynning in the burne, but also be litsteris and the washing of clothis, and abyssing of the watter in sindrie partis, with uther sorts of uncleannes" (Extracts from the Records of the Burgh of Aberdeen, 1625–1642, p. 50). The proposal of the authorities was that a new source should be provided, and that in imitation of "the nighbour countrie" fountains should be erected in different parts of the town. But before the proposal could be carried into effect, the consent of the whole body of the indwellers must be obtained, and with this object a general town meeting was

duly convened. As had so often happened in the past history of Aberdeen and other burghs, however, a disagreement between the Crafts and Guild Brethren threatened to prevent the execution of the good work. The Crafts recognised its necessity, but they pertinaciously refused to submit to the imposition of a specific tax, though they expressed their willingness to contribute a round sum to the general expenditure. In these circumstances the magistrates had but one resource; they appealed to the Privy Council to bring the refractory Craftsmen to reason. The Lords of Council had no hesitation in the matter; finding the proposed work "neerlie to concerne the weale and credite of the said town," they delegated to the magistrature full powers of law to impose and exact such a general tax as should be found requisite to carry out its scheme (pp. 25–27).

Edinburgh. In the case of Edinburgh we find but one item of general interest—a dispute between the burgh and the Lord High Constable (the Earl of Errol) on the question of their respective jurisdiction within the municipal bounds. The contention of the Constable was that "within four miles of his Majesty's person, Parliament, or Council," the burgh had no jurisdiction in matters of "slaughter, blood, or riot." In the case of one, John Keith, who had been "censured" by the Constable for assault within the four miles' limit, the Edinburgh magistrates had taken it upon them to supplement the Constable's censure by committing the assailant to ward. In justification of their proceeding they maintained that by a charter of James III. they possessed full right "in judging and censuring of all maters of slauchter, blood, or ryot committed be anie person or persons within the liberteis of thair said burgh." The question then arose as to what was the legitimate judicatory to decide the point in dispute. The Constable maintained that, as his office was "a prime office" of the Crown, the decision should lie with the Privy Council; on the other hand, the town contended that, as the question was one of heritable rights and therefore purely civil, the right of judgment could pertain only to the Court of Session. By the order of the King the Council deliberated on the knotty point, and concluded that the Lords of Session were

the only competent judges in the case. To the Court of Session, therefore, the dispute was referred, with injunctions that speedy justice should be administered to both appealing parties (pp. 298, 300). In further connection with the towns may be noted the complicated dispute that arose regarding St. Anthony's Hospital in Leith (pp. 608, 634); the decay of trade in Dundee, which had gone so far as to necessitate a reduction of the town's taxation (p. 287); and the erection of Stranraer into a free burgh, which was keenly disputed by its neighbour, Wigtown (p. 594).

The everlasting question of the currency still continued to puzzle the wisdom of the Council. In spite of its endless proclamations, foreign pieces still flowed into the country, with the result of displacing and depreciating the native coinage. As we learned from the last volume of the Register (p. 155), the burghs had made the ingenious proposal that, by way of partially remedying the evil, all coal-owners and salt-owners should be forbidden to accept foreign money in exchange for their commodities. With some doubts as to its wisdom the Council acted on the suggestion, and their hesitation was speedily confirmed. First one of these parties and then another represented that foreign merchants were in the Forth prepared to purchase coal and salt, but had no Scottish money to conclude a bargain, and must, therefore, be driven to Newcastle to procure what they were in search of. In these circumstances the Council had no other course but to grant a temporary remission of its ordinance: in the case of the merchants then in the Forth foreign coin might be received, but for the present the remission must extend no further. Finally, the whole body of coal and salt-owners represented to the Council that, if the existing arrangement continued, not only their own special trade but the prosperity of the whole country must be stricken. Within a year, they protested, not one of their works would be going, as through the loss of their foreign trade they would be unable to pay the weekly wages of their employees. Bound by its own ordinance, yet recognising the force of the complaint, the Council conceded the demand of the petitioners, though the

The Currency.

concession was only to hold till the day of its next meeting (pp. 341–2). Only one other item connected with the currency calls for notice. In 1629 and 1631 a quantity of copper had been coined into small pieces "for releife of the poore and for the better intercourse and change of small moneyes." Experience seems to have proved that the result had been generally beneficial, as again (1634) a similar issue was repeated—1500 stones of copper being coined into penny and two-penny pieces (p. 230).

Regrating and Forestalling.

The visit of Charles resuscitated the time-honoured laws against regrating and forestalling. As these crimes have not come up for notice in previous Introductions, it may be as well to produce the legal definitions of each as they are given in the proclamation to be presently noted. A forestaller is described as "whoever buyes or causes buy anie merchandice, victual, or other goods whatsomever comming be land or water to anie faire or mercat to burgh or land to be sauld frome anie part within or without this kingdome, or who makes anie contract or promise thereanent before the goods be brought to the faire or mercat place to be sauld, or who sall make anie motioun be word, writt, or message for raising of the prices or deerer selling of anie of the saids goods, or who sall disswade or move anie persouns comming to faires or mercats to bring thair commoditeis thereto." Regraters were those "who ever getts in thair possessioun in anie faire or mercat anie kynde of vivers quhilks sall be brought to be sauld and sellis the same over againe in anie faire or mercat haldin in the same place or in anie other faire or mercat within foure myles thairof." Regrating and forestalling had been a natural development under the economic system that had prevailed in Western Europe throughout the Middle Ages, and in every country the legislature had vainly endeavoured to suppress them. Considerably before the reign of Charles, however, new economic developments had in certain countries removed the conditions which had given birth to the regrater and forestaller. In Scotland, however, the ancient conditions continued with little modification; and regrating and forestalling throve as vigorously as ever If the Council had not troubled

itself of late with these infringements of the law, it was due to the fact that every effort had long been made to put an end to them. In view of the King's approaching visit, however, it determined to make another vigorous effort to suppress the inveterate mal-practice. The motive of its action is explained in the following expressive passage, which, moreover, gives us an interesting glimpse into the avocations of a considerable proportion of the inhabitants of every burgh in the kingdom:— "Whereas," the passage runs, "the bypast oversight and impunitie givin to persons formerlie offending in this kynde hes givin boldnesse and encouragement to nombers of base and unworthie people still to continew in that unlawfull and wicked trade, especiallie within the burgh of Edinburgh, Leith, and the Cannogait, West Port, Potteraw, Pleasance, and others parts about the burgh of Edinburgh, where diverse base fellowes, powtrie men, and others attends and awaites upon the hie streits leading to the said burgh, and there rancountering with the persons bringing in wyld foule, powtrie, and others commoditeis and vivers to the mercat of Edinburgh they there buy the same at small and unworthie prices, brings the same quyetlie to the burgh of Edinburgh and suburbs thairof, and keepes the same in thair houses and sellers, brings out the same in small parts and portiouns to the mercat and pretending a skarsitie quhair they have abundance and sufficiencie in thair sellers and houses, they hight and raise the prices at thair unruelie appetites, shamefullie and mischantlie abusing his Majesteis good subjects and fosters and interteanes both a skarsetie and dearth of these kynde of commoditeis," &c. (pp. 67–69). There was no need for the Council to restate the pains and penalties which the crimes in question entailed; these had been known to many generations of Scottish subjects. By proclamation at the Town Cross, therefore, the lieges were merely reminded that the laws against regrating and forestalling were not a dead letter, and that they would now be enforced with greater stringency than ever.

Proposed Hospital for Broken Soldiers.

Colonel Robert Monro, who had distinguished himself under Gustavus Adolphus,[1] came before the Council with a proposal to

[1] He was the cousin of the Colonel Robert Monro known as the "Black Baron."

which it gave its hearty consent and warrant. Since the outbreak of the Thirty Years' War successive levies of Scots had been raised for service in the Protestant cause. From first to last many thousands of Scots had fought in different parts of Germany under Gustavus and other leaders, and numbers of them were now broken with age or wounds, uncared for either by their own country or the princes under whom they had served. It had, indeed, been a condition of service under the King of Sweden that all who were wounded, officer or private, should receive a pension for the rest of their lives and be allowed either to settle in Sweden or return to their native country, but through culpable neglect in soliciting the Swedish "Director of the Warres" this pledge had hitherto remained unfulfilled. In the first place, therefore, the Colonel besought the Council for an authoritative warrant to approach the Director and exact the fulfilment of this pledge. It was a reproach to Scotland in the eyes of other nations, however, that on its own account it had done nothing to alleviate the condition of the soldiers who had been sent abroad to fight in the cause of religion. His proposal, therefore, was that a hospital should be erected in Scotland to receive such soldiers as were unfit for further service, where they might spend the rest of their lives in the ease and comfort which they deserved. For the maintenance of the hospital contributions would be forthcoming from such officers in foreign service as had risen to honour and riches. As a further source of revenue to the maintenance of the institution the Colonel made another suggestion. During the past ten years great sums of money had been expended in purchasing arms from foreign countries to equip the levies that had been sent beyond sea. Would the Council grant to him and his heirs a three years' monopoly for the making of such arms which they would sell at a cheaper rate than they could be purchased from abroad? The arms thus manufactured would be stored in a magazine within the hospital, and their sale would go far to support it. As the only reward for his labours in building up the institution he would crave that the charge of it might be entrusted to himself during his lifetime, and that thereafter the

governor should be an officer who had served seven years abroad in his Majesty's service. As Monro had taken care to gain Charles's approval of his scheme before submitting it to the Council, he found no difficulty in dealing with that body. Without delay the Lord Advocate was instructed to draw up a Commission, authorising Monro to proceed with his collection from the Scottish officers serving abroad. As a guarantee that all would be done in honour the Colonel was to receive from the Clerk of the Council a book containing eighty-eight leaves, stamped by the Clerk, in which he was to enter the names of the contributors and the sums received, and annually exhibit it for the satisfaction of the Council (pp. 333–6, 349, 353–356).

New Scotland.

Charles still clung tenaciously to the scheme of founding a Scottish colony in Canada which had been projected in the days of James VI. and had received that King's enthusiastic encouragement. From the preceding volume of the Register it appeared that there had been a growing disposition to make light of the new title of Nova Scotia Baronet, and steps had been taken to convince the lieges that the dignity was not to be safely slighted. It was a more serious blow to the prospects of the colony, however, that by a late treaty made with France the Scottish colonists had been forced to evacuate Port Royal, where they had made their original settlement. From Charles's surrender of that territory it was concluded that he had ceased to countenance the enterprise, and to obviate this impression Charles wrote an urgent letter to the Council. His earnest wish, he wrote, was that the Earl of Stirling, the founder of the colony, "with all such as sall adventure with him sall prosecute the said work and be encouraged by all lawfull helpes." The special point to which he desired the Council to attend, however, was the position of such English and Irish persons of quality as had taken part in the enterprise. To obtain their patents these persons had been put to greater trouble and expense than their Scottish fellow-colonists. It was in the interests of the colony that these disadvantages should be removed, and that thenceforth natives of all the three countries should be placed on the same footing when desirous of becoming colonists and Nova Scotia baronets (pp. 210–11).

DOMESTIC INCIDENTS.

Charles's Visit.

The outstanding incident of the period was Charles's long-deferred visit to his native country. As has already been said, the Register throws no fresh light on the significance of that event in relation to affairs of Church and State. The two main errands on which Charles had come were to receive his Scottish Crown and to hold his first Scottish Parliament. The Register supplies us with some details regarding the coronation ceremony, but they add little to what is recorded in the "Annales" of the Lyon-King-of-Arms, Sir James Balfour. On the proceedings in Parliament the Register is equally silent, and, in short, if our knowledge of events were confined to its record, we should hardly be aware that there were issues before the nation which were big with revolution. As has already been said, almost all the entries bearing on Charles's presence in Scotland have reference to the preparations made for his reception and entertainment. In making these preparations the Council had the precedent of what had been done in the case of James VI.'s visit in 1617. Apparently the Council's most anxious concern was the state of the roads which the royal retinue was to traverse. Throughout the 17th century the public roads in England were in worse condition than they had been in the Middle Ages, and the same is probably true of Scotland. The measures adopted to facilitate the royal progress are, at least, a sufficient illustration of the difficulties of transit in the latter country. In every district through which the King was to pass Commissioners were appointed whose duty it should be to see that the highways were not impassable and that a sufficient number of vehicles were provided for the transport of the belongings of the King and his train. As it was arranged, every parish, in proportion to its resources, was to supply horses and carts to convey the royal baggage through its bounds—the penalty of failure being six pounds (p. 70). If the public ways were in such a state of disrepair, not less so were the various abodes where the King was to make his stay. An official visitation of

the Palaces of Holyrood, Linlithgow, and Dunfermline, and of the Castles of Edinburgh and Stirling, had revealed that all of them required "present and tymous reparation" (p. 52). In Holyrood portions of the tapestry were found "verie evill worne and eatin and spoyled with rattouns." One piece especially, "marked with the figure of 18s." was in so hopeless a condition from these causes that it was of no use "bot to be cutted," and the keeper of his Majesty's Wardrobe was instructed to utilise this precious piece in patching the rest (p. 37). After some hesitation between Holyrood Kirk and the Kirk of St. Giles, Charles had decided on the former as the most appropriate place for his coronation. That it might be made more worthy of the occasion, therefore, it was to undergo additions and repairs without and within which would materially alter the character of the edifice (p. 12). Not the least difficulty connected with the coming visitation was how the royal following was to be "commodiously and hantsomely loodged." With a view to ensuring this end, every town in which the cortege was to halt was strictly charged to be "weill and sufficientlie furnished with all kynde of vivers and provisioun for men and hors, that thair loodgings be cleane, hantsome, and neate, that the bedding and naperie be cleane and weill smelled, that the puter vessells be of sufficient largenesse, that no filth nor middings be seene upon thair streets, and that no beggers be seene upon thair bounds" (p. 5). How to feed man and beast in such a host was a further matter requiring grave consideration. But in this matter, also, the Council had an advantageous precedent in connection with the visit of James VI. All the leading burghs were ordered to provide a number of cattle in proportion to their relative resources, which taken together might suffice to regale such a multitude of mouths (p. 4). Another detail shows how greatly the honourable Councillors had at heart the repute of their country. It had come to their ears that James Liddell, who had "served his late Majestie in his bakehous and pattislee," and had "caried himselfe with great discretioun therein," was still alive. As it chanced, Mr. Liddell was at this moment under certain "civill hornings"

which prevented the exercise of his calling. So indispensable, however, did the Council regard his services, that they summoned him from his residence and granted him immunity on condition of his exercising his skill in giving satisfaction to his Majesty and his followers (p. 48). But not only man but beast also had to be entertained, and, if we are to believe the splenetic Sir Anthony Weldon, this had not been the lightest burden that had been laid on the country during the sojourn of James VI. in 1617. Warned, perhaps, by this former experience, the Council took high measures to prevent its recurrence: it empowered the officers-of-arms to "fence and arrest" as much hay and straw as was likely to be needed—a pledge of doubtful security being given that the owners would one day be satisfactorily indemnified (pp. 31, 54). Besides providing good cheer, the Council had likewise to ensure that amusements should not be lacking for his Majesty and his train, and, if Charles were his father's son, they knew that nothing would give him greater pleasure than the sport of good hunting. The entries under this head reveal what we know from other sources—that poaching was a universal practice of the time. From one entry, for example, we learn that "diverse persons dwelling ewest to his Majesteis parke of Falkland daylie haunts and resorts throw the same, makes rods and passages therein, hunts and hawkes throw the same, breakes down the paill and dykes thereof, halds and pastours thair bestiall and goods within the saide parke, quhairthrow his Majesteis awne deir ar verie farre weakenned and driven to the point of starving" (p. 8). As the most effectual means of checking these misdemeanours, announcement was to be made in the neighbouring churches "in tyme of sermoun or prayers" that offending parties would be fined at the discretion of his Majesty's Council. Another proclamation forbade all the lieges to "sell, slay, buy, or eate anie kynde of pertridges, blacke cockes, earth hennes, termigants, capercailyeis, and murefoullis, nor no vennisoun," from January to March 1633, under the penalty of a hundred pounds, and likewise forbade all hunting of hares within eight miles of any of the royal preserves (p. 17). From the moment the royal train entered

the kingdom, and at each stage of its progress, it was to be met by the magnates of the neighbourhood—special care being taken that "no rascalls, commouns, nor others" should be of their number, but only such as were "weill horsed and in good equippage" (p. 100). The preparations in the capital likewise received the anxious consideration of the Council. On one point it was specially urgent: all beggars and vagabonds must be swept from the town during his Majesty's sojourn there, and the reason alleged for this step is a convincing proof of its necessity; through the remissness of the town authorities, we are told, the town was swarming with these persons, who "by thair shamefull exclamatiouns and crying so troubles and wearies the noblemen and others his Majesteis subjects walking upon the streets as they cannot convenientlie attend thair lawfull affaires and bussines at the Counsell and Sessioun" (p. 47). Other matters with which the Council concerned itself were the removal of malefactors' heads from the West Port, the provision of sand for the strewing of the Canongate, and of various conveniences in connection with the church during the ceremony of the coronation. On another point, it is worth noting, the Council was specially insistent—that the chieftains of the Western Islands should be present "in thair best order" to welcome his Majesty, the reason adduced being that his English followers would thus see what "ane loyall and dewtifull affectioun" was entertained for him in the remotest corners of his northern kingdom" (pp. 33, 36). Such, as far as the Register indicates, were the principal matters with which the Council was concerned in connection with the royal visit. Throughout the two months which the visit lasted the business it transacted was equally unimportant. It was in private conference with its members that Charles unfolded his schemes for the future government of the country, but of these schemes no record will be found in the following pages, and the fact is significant as another proof of the impotence of the Council in all affairs on which the fate of the nation depended.

Levies for Foreign Service.

In the successive volumes of the Register, from the beginning of Charles's reign, we have had to note the frequent levying

of contingents for service on the Continent. Hardly a year had passed without some detachment of Scots being sent abroad on this errand. Hitherto these detachments had been engaged to fight under the standard of some Protestant leader, such as Gustavus Adolphus, but we have now to note a new departure, consequent on a change in Charles's foreign policy. In 1633 Richelieu had adopted his remarkable policy of supporting the German Protestants against the Catholic Emperor, and the result had been a *rapprochement* between France and England. It was in consequence of this alliance, therefore, that Charles authorised Sir John Hepburn to raise a body of 1200 Scots for service in France, where they were to remain as a standing regiment (p. 65). Another contingent, the levying of which is recorded, was destined for service still further afield. It was a Scotsman, Sir Alexander Leslie, who at this time commanded all the foreign forces in the service of the Emperor of Russia. Leslie had already a detachment of Scots serving under him, but he was desirous of adding to their numbers, and applied directly to Charles for a licence to raise them. For reasons which are not stated Charles was favourably disposed to Leslie, and specially empowered the Council to grant him a warrant for the levy of 200 Scots to join their fellow-countrymen in Russia (p. 79).

Maritime Trade.

Among the miscellaneous functions of the Council that of guarding the maritime trade of the country was not the least exacting and important. Chief among its cares in this connection was that all roads and harbours should be in a satisfactory condition. In the previous volume of the Register we saw that an alarm had been raised as to the state of the Forth between Kinghorn and Alloa—"the cheefest place for trade" in the kingdom. Skippers, native and foreign, were in the habit of depositing ballast wherever they came to anchor, and it was discovered that, if this practice continued, the Forth beyond Kinghorn would cease to be navigable. To avert this disaster the Council had appointed a Commission, which was followed by no result till the burghs were consulted and were enjoined to give in an annual report on the condition of the water in question. What appears to be the first of these reports was presented to the Council by

the town-clerk of Edinburgh, and its purport proved that the alarm that had been raised was not without foundation. In spite of the Council's injunctions, skippers were still depositing their ballast at their pleasure, with the result that by the diverting of the current sandbanks were being formed, one of which had been found to be nearly a mile in length (pp. 133–4). As has been more than once noted in previous Introductions, the trade of piracy was still pursued with an audacity which made a voyage across the German Ocean a veritable running of the gauntlet. In the present volume there is recorded the seizure of three Scottish ships by Dutch, Spanish, and Algerian freebooters respectively. The story told to the Council by the owners of the second vessel well illustrates the daring with which the corsairs pursued their calling. The "George of the Queenisferrie" was conveying a cargo to the staple port of Campvere, in Zealand, when within three leagues of its destination it was attacked and captured by a craft sailing under Spanish colours. With the whole crew and passengers of the captured vessel aboard, the Spaniard put out to some twenty miles from Campvere, when half of the Scots were thrust into an open boat, and the other half were conveyed to San Sebastian, in Spain. Here the latter were subjected to close confinement, and after repeated examinations were "violently thrust" into an English ship bound for London. The ground of complaint on the part of the Scots was that they had been handled in this fashion when the Kings of England and Spain were at peace. With this complaint, therefore, they appealed to the Council, which took the only course that was open to it: it laid the matter before Charles and besought him, in the interests of his Scottish subjects, to have the offenders brought to justice, and restitution made to the aggrieved parties (p. 78). The fate of the third vessel was one of frequent occurrence. Captured by three Turkish rovers in the Bay of Biscay, its crew were conveyed to Algiers, and were subsequently offered their freedom on the payment of 24,000 marks. In this extremity they had recourse to the usual expedient, and appealed to the Council to authorise a national subscription in their favour—an appeal to which the

Council, as was its wont, gave its ardent support (p. 142). The case of Captain Robertson and the Hamburghers, which has already been before us in the two preceding volumes of the Register, is another illustration of the difficulties of the Council in its surveillance of the foreign trade of the country. What we gather from the whole story is that, though the Council was impotent in affairs of Church and State, it was animated by genuine zeal for the welfare and honour of the kingdom. The beginning of the whole business had been the capture of Robertson's vessel by two Hamburghers and the slaughter of certain of his crew. At the Council's request Charles had appealed to the magistrates of Hamburg for redress, but the reply had been so unsatisfactory that, with Charles's consent, letters of reprisal had been granted to Robertson and his heirs. First Robertson himself and, after his death, two other captains, Orrock and Scott, plied the Commission to such purpose that the Hamburg authorities appealed to Charles for its recall—at the same time undertaking that justice would be done to Robertson's heirs. Now, therefore, there came a letter from Charles with which it is evident that the Council was far from being satisfied. They were to cancel the letters of reprisal, to restore the ships and cargoes that had been taken under their cover, and to dispatch "some understanding person" to Hamburg to come to terms with the authorities of that city. While the Council did all these things in accordance with Charles's commands, however, they indicated that they had little hope that the affair would be concluded according to his expectation. In the event of justice being refused or delayed, therefore, they besought him to renew the letters of reprisal that the injured parties might indemnify themselves for their losses (pp. 3, 16, 19). What was the result of the conference at Hamburg does not appear in the present volume.

Witchcraft.

The period covered by the present volume of the Register was marked by an unusual interest in witches, both in England and Scotland. In 1634 took place the famous trial of the witches of Lancashire—a county that had long had a notoriety

for producing these persons. The charges brought against them were as extraordinary as any that have been recorded in the case of Scotland, and they received as universal credence in the one country as in the other. The Lancashire witches were accused of raising the storm in which Charles had such a narrow escape in crossing from Burntisland to Leith in the summer of 1633; one was charged with transforming herself into a dog, and another with causing her pail to trundle after her by merely telling it to do so. Bishops, judges, and men of letters gave their faith to such stories, and with the approval and to the delight of a London audience the Lancashire witches were introduced upon the stage—the object of the piece being to show how a sceptical gentleman had been converted to a belief in witchcraft by finding the charge brought home to his wife, whom he thereafter delivers cheerfully to the gibbet. (Gardiner, *History of England*, Vol. VII., pp. 323–326, Ed. 1894). In Scotland during the same period we have no such wholesale proceedings as in the case of the Lancashire witches, yet the business of the Council in this sphere of its duties was even more onerous than usual. There was the case of Elizabeth Bathgate of Eyemouth—a case which reveals one of the most deplorable aspects of the general delusion. According to the woman's own story, she had been all her life "haldin and esteemed by all hir nighbours als honest ane woman" as any in her native town. Some "malicious" persons, however, lodged information against her as being addicted to devilish practices, and in strict accordance with the existing law she was committed to the Tolbooth of Duns by the order of Sir Patrick Home of Ayton and Mr. John Home, her minister. There she was detained for some weeks without being brought to trial, when she appealed to the Council that her case should be heard. The Council gave orders that the trial should take place in the Tolbooth of Edinburgh on the 11th February 1634, and charged the Laird of Ayton to produce her in that place by the 31st of January. She was now conveyed to Edinburgh and still detained in ward at the expense of her husband, who appears to have been convinced of her innocence. When the day fixed for her trial came,

her prosecutors failed to appear, alleging that they could not travel at such an unseasonable time of the year, and the date was postponed till the 11th of March. The unfortunate woman urged that the weather was not likely to be more genial in March than in February, and craved that she might at least be released from ward, under caution that she would remain in Edinburgh—a petition which the Council did not see its way to grant. Meanwhile, her prosecutors, twelve in all, including the Laird of Ayton, his wife, and the minister of Eyemouth, had obtained a commission to lead precognitions against her in the town of Duns. Against this proceeding, however, the accused successfully protested; it was against all law, she urged, that "unfriends" should be accepted as witnesses, and that she should not have the opportunity of rebutting such evidence as might be adduced against her. The members of the Council had as little doubt in the reality of witchcraft as the majority of their countrymen, but their action, on the whole, was directed to restraining the zeal of the ministers and local judges. It was in accordance with this motive, therefore, that they ordered all the witnesses against her to appear at her trial and "verify their depositions in her presence upon oath" (pp. 176, 593, 605). Here the case ends, as far as the present volume is concerned; but the story, so far as it goes, illustrates the most lamentable results of the unhappy possession of the public mind—the delay of the law, the terrible suspense of the accused, the dismay and shame of family and kin, the gratuitous accusation from which no one was safe if the finger were raised by private malevolence or public caprice. In another case recorded we seem to have an example how the dreaded charge could be vamped up by ingenious malice or a morbid imagination. George Fraser and his spouse, Giles Chalmer, were a respectable couple living at Outlaw, in Banffshire. George fell ill, and requested his minister, the Rev. James Melville, to summon Dr. Douglas of Banff to prescribe for him. Minister and doctor, both together, visited the sick man, and after examination of the patient, the doctor penned a letter which the minister's man conveyed to the doctor's wife in Banff. In accordance with the directions con-

tained in the letter, Mrs. Douglas "under silence of the nicht" proceeded to a certain part of the house garden to which she was directed, moistened it with a cauldron of hot water, as the ground was hard frozen, and, plucking all the herbs that grew on the spot, at once despatched them to her husband for the use of his patient By the application of these herbs, with the addition of "wine seck," the invalid was straightway restored to his wonted health. It was doubtless the mysterious proceeding in the collection of the herbs that afforded a pretext to a neighbour, Alexander Stewart, to bring an accusation of witchcraft against Fraser and his wife. According to the indictment, Fraser in his sickness had applied to a notorious warlock, John Philip, who had been burned for sorcery. By the warlock's advice Fraser procured water from a south-running well in a white pitcher, and washed himself twice daily with the same till he was cured. So diabolical were the properties of this water that a cat treading on some of it that had been spilled went instantly mad, sprang at the throat of a kirk officer, and "almost worried and strangled him." The rest of the extraordinary story it is needless to relate. Fraser and his wife, however, were luckier than most persons against whom the finger of suspicion was pointed. He had been an "elder of the session for seventeen years," and was able to produce two ministers and a reader to avouch his innocence of all unholy practices—a testimony which was supported by the collective Town Council of Banff (pp. 565, 570-1, 575). In connection with the same subject attention may be drawn to the detailed account of a witch trial to be found at p. 544.

Disorders in the North.

But the main pre-occupation of the Council, so far as we gather from the Register, was the unsatisfactory condition of the Highlands generally, and specially of the district of Moray. During the closing years of James VI. both Highlands and Borders had been brought to a state of tranquillity and order such as they had known in no previous reign. This had been a result on which James had set his heart from the time that he had made himself master of his kingdom, and of which he had never lost sight, even after his migration to England. His son, on the

other hand, engrossed as he was in the affairs of his southern kingdom, had neither leisure nor inclination to pay the same attention to the two troublesome districts. From the beginning of his reign, therefore, there had been a gradual slackening of discipline, equally on the Borders and in the Highlands. Reference has already been made to the unsatisfactory condition of the Borders, but in the case of the Highlands there now prevailed a state of things which recalled the worst days in their history before the reign of James VI. Due abatement must always be made for the exaggerated language of statutes, but after every legitimate reserve the following sentence from a proclamation denouncing the Marquis of Huntly and a long list of other persons sufficiently explains the perplexity of the Council in its dealings with the Highlands :—"Disorders ar growin to that hight," this sentence runs, "that almost nowhere in the north countrie can anie of his Majesteis subjects promise saiftie to thair persons or meanes, the breake of his Majesteis peace in these parts being so universall and fearefull as the verie burrowes and towns themselffes are in continuall danger and feare of some suddane surprise by fire or otherwayes from thir brokin men" (p. 440). Who these "brokin men" were we are told in the same proclamation: they were those of the "Clangregour, Clanlauchlane, Clanrannald, and others brokin clans in Loquhaber, Stradoun, Glencoe, Bramar, and others parts of the Hielands, as also diverse of the name of Gordoun and thair dependers and followers" (p. 439). Of all these contemners of the law the most audacious were the Macgregors and the Gordons, and in the case of both there was a special reason for thair defiance of justice. The Macgregors, as a proscribed clan, had no territory which they could call their own, and they were thus driven to find a home wherever circumstances would allow them to settle and pick up a living. Wherever there was mischief afoot, wherever some head of a clan required assistance in his dealings with his neighbours, there the Macgregors for a time found a welcome as useful allies. The general lawlessness that now prevailed throughout the Highlands gave them precisely the employment they needed, and wherever a deed of plunder or

slaughter was perpetrated the Macgregors were suspected of having had a hand in it. In the case of the Gordons, the other offending clan, there was also a special reason for their outrages against law and order. Viscount Melgum, the son of the head of their clan, with others of their name, had perished in the Burning of Frendraught; they were convinced that the Laird of Frendraught had deliberately perpetrated the deed; and, as he was not brought to justice, they took the law into their own hands. There had been serious disorder before the Burning of Frendraught, but it was that event that produced the state of things with which we find the Council impotently endeavouring to cope throughout the period before us.

In the reign of James VI. two laws had been passed with reference to the Highlands, which, strenuously enforced, had resulted in their comparative tranquillity by the close of that King's reign. By the first of these Acts, passed in 1582, landlords and bailiffs were made responsible for the apprehension of all thieves carrying booty who passed through their bounds, and in the event of their failing to effect arrest they were to make good to the plundered parties the value of their loss. By the second (1592), sheriffs and other judges were enjoined to do their utmost to lay their hands on all "sorners, oppressors, vagabonds, and beggars" within their respective jurisdictions. Under the effective administration of the preceding reign these Acts had been found adequate for the attainment of the desired result, but in the existing state of the unruly districts more drastic measures were found to be necessary. A letter from Charles, which arrived on 25th September 1633, urged the Council to more vigorous action. During Charles's visit to Scotland he had been petitioned by certain nobles and gentry "in the countries next adjacent to the Hielands" to take some course for suppressing the widespread disorder, and he now urged the Council to call these persons together and take their advice as to the best method of attaining this end (pp. 130 1). The meeting was held in November, with the result that all the parties interested in restoring law and order were charged to report to the Lord Chancellor the names of all outlaws known

to them, and the crimes with which they were charged (p. 149). A further result of the deliberations was that sheriffs, stewards, and bailiffs were ordered to apprehend with all speed every outlaw on whom they could lay their hands (p. 150). In the course of the following year it was convincingly proved that these measures had been taken to little purpose. As has already been said, the principal sufferer from the prevailing lawlessness was the Laird of Frendraught, and so little was his position improved by the efforts made by the government that in August 1634 he had to petition the Council for a special commission to deal with the spoilers of his lands and goods (p. 350). From the whole shire of Moray so many outrages were also reported that commission of fire and sword was granted to certain gentlemen of the district to pursue the perpetrators to the death (p. 363). Next the Council took a step which had been found so effective in the case of the Western Islands in the days of James VI.: it issued an order that all chiefs, in whose domains any outlaws were to be found, should appear in its presence, and give a pledge for their apprehension or extirpation (p. 364). Among all these chiefs the Marquis of Huntly was the most important, both by reason of his great authority and because it was the men of his name who were specially distinguishing themselves by their defiance of the law. It was still against the unfortunate Laird of Frendraught that the Gordons were plying the work of slaughter and plunder: "not onlie," we read, "is all [that] gentlemans lands layed waist, his haill goods and bestiall spoyled, slaine, and mangled, some of his servants killed and cruellie demaymed, bot also the haill tennents of his lands and domesticks of his hous have left his service and lands, and himselfe with the hazard of his life hes beene forced to steale away under night and have his refuge to his Majesteis Counsall" (p. 405). For all this mischief the Council insisted that Huntly must be held responsible, and he was summoned to appear before its bar along with the chiefs who had incurred similar responsibility. But, with his previous experiences of the Council in his memory, Huntly was not disposed to respond very eagerly to its summons, and the unseasonable time of the year, his age, and

infirmities afforded a convenient excuse for his delay. But on this occasion Charles himself insisted on Huntly's appearance along with his brother chiefs (p. 450), and the threat of letters of treason convinced him that the authorities were inexorable. On the 9th of January 1635, "in ane gryt storme," he started on his southward journey nearly two months after his original summons. It took him fully five weeks to accomplish it—the tardiness of his progress being sufficiently explained by the state of the roads, the inclemency of the weather, and his feeble health. According to a contemporary historian, Huntly "wes never inclynet to warr nor trubill him self, bot by the pryde and insolence of his kin wes diverss tymes drawin in trubill" (Spalding, *Memorialls of the Trubles*, p. 73). When he appeared before the Council he urged his innocence of all the "publict misdemeanours and nefarious acts" in connection with which he had been summoned, and pledged himself to do his utmost to put an end to them. As a guarantee of his sincerity, he prayed for a commission to bring the offenders to justice, and gave his word of honour that he would "reallie execute the same." Considering his advanced age and his position, this was all that the Council could demand of him, and he was permitted to return home with the desired commission (pp. 507–9). One other pledge, and a sufficiently exacting one, was required of him before he was allowed to depart: "to find caution for the indemnitie of Fendraught aganis the haill name of Gordon within the schirefdomes of Abirdein, Bamff, Murrey, Forres, Elgine, Narne, Cromartie, and Innernes, and frome othirs whome he may stop or latt" (p. 512).

Trial of John Meldrum and John Toshe.

In the last volume of the Register we left two persons, John Meldrum and John Toshe, under trial for complicity in the Burning of Frendraught. On their guilt or innocence we find no fresh light in such entries as refer to them. On July 23rd, 1633, seven assessors were appointed for the examination of Meldrum (p. 122), and by the 10th of August he was found guilty of "airt and part of the burning of the towre of Fendraught and foreknowledge of the same"—his sentence being execution at the Market Cross of Edinburgh, (pp. 128–9). In the

hope that he would make some confession pointing to the complicity of others his execution was postponed, but, if he made any such confession, it has not been preserved.[1] In the case of John Toshe there are mysterious circumstances which suggest that facts were known to the members of Council which do not appear in its records. The commission for Toshe's arrest had been issued in November 1630; in February 1631 the Council ordered that he should be put to the torture; in July a Commission was appointed for his trial; and after all this delay we find Huntly in November of the same year craving the Council that his trial should again be postponed. It was at this stage of the proceedings that we left Toshe in the preceding volume. In December 1633 he was still in the Tolbooth of Edinburgh, where he had now lain for more than three years "in great misery and want." The cause of his "misery and want" was that Huntly, at whose instance he had been arrested, had ceased to contribute to his maintenance. In a petition to the Council Toshe now declared that, unless he were speedily cared for, he must "starve with hunger and cold." The result of the petition was that Huntly was forced to pay up the arrears due to the prisoner and to pledge himself to proceed with the prosecution at the earliest date possible (pp. 163, 175). At length, June 20th, 1634, Toshe was formally tried for complicity in the Burning of Frendraught, and an incident at the close of his examination may be the explanation of Huntly's delay in the prosecution. Just as the assessors were about to retire to consider their decision, Toshe craved permission to make a statement. Before the trial, he declared, he had sent a messenger to Huntly to avouch his innocence of the crime laid to his charge. In reply Huntly had despatched two of his people to Toshe with a communication to the following import:—He, Huntly, knew that Toshe was innocent, though he knew also that he was a knave; but he was willing to come to terms with him; if he would confess to complicity in the crime, and at the same time

[1] In Appendix No. 1 to Spalding's "*Memorialls of the Trubles* (Spalding Club) will be found extracts from the Justiciary Records containing the account of Meldrum's trial.

delate the Laird of Frendraught, he, Huntly, pledged himself to obtain his remission and make him besides a gift of 10,000 marks. Summoned before the Council the following day, Toshe stoutly maintained these allegations, but, on hearing the evidence of Huntly's two agents, the Council found him to be "most false and malicious," and adjudged Toshe "to be sett upon the most eminent part of the croce with ane paper on his head" (pp. 291–2). On the main charge brought against him, however, the assessors were unable to come to a decision, and a fortnight later we find him still in the Tolbooth and again complaining to the Council that Huntly still refused to contribute to his maintenance (pp. 317–8). Huntly, in fact, now that the trial was over and had not ended according to his wishes, plainly told the Council that he had nothing more to do with Toshe and that it might dispose of him as it pleased. Thus left with the sole responsibility for the unfortunate Toshe, the Council appealed to Charles for direction, but Charles took no heed to their appeal. At length, November 1634, four months after the trial, the Council concluded of its own accord that it was "no ways reasonable to burden his Majesty's Treasurer" with Toshe's further maintenance, and released him from ward on the double condition that he should not fail to appear if ever again summoned on the old charge, and that he should never approach within twenty miles of the houses of the Marquis of Huntly and the Earl of Errol (pp. 419–20). It had taken four years for the Lords of Council to arrive at this impotent conclusion.

Lady Rothiemay.

The same herald who summoned Huntly to appear before the Council bore a similar message to another person who had been much more energetic as a fomenter of the "troubles" in the North. This was Katherine Forbes, the Lady Rothiemay, whose son had been one of the victims in the tragedy of Frendraught. Since the day of his death his mother had never ceased to seek revenge on the Crichtons, who, she was convinced, had been the deliberate perpetrators of the deed. In alliance with the Gordons, who had a similar injury to avenge on the same parties, she organised those raids on Crichton's lands of which we have already heard. The House of Rothiemay became the nest of all

who were ready to bear a hand in this work, and was converted into a veritable fortress with "men, victuall, poulder, bullet, and other warlike furniture" (p. 446). On the herald presenting himself before this stronghold, and demanding the keys, the Lady, we are told, "humelie obeyit, for then no Gordouns wes within." "Bot," adds the chronicler, "he returnit no soner south, bot also sone the Gordouns cam bak agane to Rothemay, strak wp the yetis and durris, and duelt thairin noblie" (Spalding, p. 59). Lady Rothiemay was as dilatory as Huntly in reporting herself to the Council, and (17th March 1635) another summons was addressed to her in which her various misdemeanours were expressively enumerated. "Forasmuch," the summons begins, "as in all the disorders and troubles quhilks hes of lait fallin out in the north parts of this kingdome, Katharine Forbes, Ladie Rothemay, hes had a speciall hand, not onelie by a covert and secreit forme of supplee and releeffe givin be her at the beginning of the saids troubles to the principall actors and ringleaders therein, bot in end with ane plane and high hand she hes publictlie and avowedlie tane upon her the patrocinie and defence, so far as in her lyes, of the saids rebellis," and directions follow to the various sheriffs and magistrates between Banff and Edinburgh to pass her on to the provost and bailies of the latter town (p. 515). On the same day as this summons was issued, a charge was given to the sheriff of Banff to take possession of the House of Rothiemay, and to maintain it with a sufficient garrison at the expense of the estate (p. 516). The sequel of the Lady's experiences belongs to a later period than that covered by the present volume.

The Watch at Glenisla.

Still in connection with the "disorders" in the North an interesting fact remains to be noted. From a complaint lodged with the Council by Lord Ogilvy of Airlie, bailie of the lordship of Coupar, we hear of an ancient custom that prevailed in Glenisla, which is described as "the highest land in the shirefdome of Angus and most subject to the depredatiouns and incursiouns of the Hieland theeves and lymmars." Placed in this dangerous neighbourhood, the old abbots of Coupar had made an arrangement for the protection of their crops which had been

maintained till recent times. From the first of July till the close of harvest twelve picked men were appointed to keep watch in the fields, and maintained at the expense of the feuars with a weekly allowance of two pecks of oatmeal and half a silver mark. The complaint of Ogilvy was that during the last three or four years this arrangement had been neglected through the "uncharitablenes" of certain persons, with the result that "great prejudice had followed to the country people." The Council, as in duty bound, readily granted him the necessary powers to bring the "uncharitable" feuars to reason (pp. 151–2).

The Orkneys.

Information which we receive regarding the Orkneys would seem to show that they were passing through a period of manifold trial. First we hear of a petition from them to his Majesty and his Three Estates enumerating three heavy grievances under which they had long suffered and were still suffering. Letters of lawburrows had become so common that sometimes a single "malicious" person would procure them against no fewer than a hundred poor people. Unable to pay the expense of a journey to Edinburgh to find the requisite caution, these persecuted persons were forced to give up such means as they possessed and were thus reduced to destitution. A second iniquity was that poinded goods had to be conveyed to the market-crosses either of Kirkwall or Scalloway—a condition which it was often impossible to meet owing to tempestuous weather in the intervening seas. Finally, poor creditors were unable to press their debtors because decreits of horning and caption were beyond their means to procure. In the case of all these complaints the Council lent a gracious ear, and made arrangements that the grievances should be removed (pp. 122–3). But not only were the Orcadians afflicted by the injustice of the law—in 1634 they were visited by a famine of unprecedented severity. In a supplication presented by the bishop of Orkney and the bishop of Caithness (for the dearth was equally severe in Caithness) we have a picture of misery presented in language of such point and force that it deserves to be quoted:—"The ground yeilds thame no cornes and the sea affoords no fishes unto thame as formerlie it wount to doe. The picture of death is

seene in the faces of manie. Some devoure the sea ware; some eate dogges; some steale foules. Of nyne in a familie seven at once died, the husband and the wyfe expyring at one tyme. Manie are redacted to that extremitie that thay ar forced to steale and therafter ar execute; and some have desperatelie run in the sea and drownned thamselffes. So great is the famine there that the people of meane estait have nothing and these of greater ranke have nothing that they can spare" (p. 284). To such an appeal the Council could not turn a deaf ear, and it authorised a voluntary contribution from all the lieges, of which the Rev. Matthew Wemyss, minister of Holyrood, was appointed the general treasurer (p. 320). What was the result of the appeal does not appear from the present volume, but seven months after (February 1635), we find the inhabitants of the Orkneys and Shetlands directly approaching the Council, and craving its warrant to send representatives to Charles himself to tell him the full tale of their misery (p. 659).

Ecclesiastical Affairs.

It has already been said that there is little in the present volume to remind us that the nation was passing through a religious crisis which on a day close at hand was to issue in a revolution that affected the destinies of the united kingdom. There is one entry in our record, however, which, read in the light of other contemporary testimony, gives us a momentary glimpse of the forces that were working towards the national cataclysm. In a letter to the Council Charles draws its attention to a circumstance which had been brought to his notice. By the law of the land every Scottish subject was bound to communicate, at least once a year, and within his own parish. But this law, he had been informed, had of late years been set at nought "by the disorderlie behaviour of some dissobedient people." "When their occasions or their humour served them," these disobedient persons left their own parishes and ran to seek the communion "at the hands of suche ministers as they know to be disconforme to all order." Such contempt of the law could not be permitted, and the object of Charles's letter was to let his subjects know that he would not have his decrees thus mocked with impunity (pp. 421–2). Little as we hear of them in our

record it was precisely these "dissobedient people" that were to set both King and Council at defiance, and for a period of twenty years to shape the law according to their own minds.

Stipends of the Ministers of Edinburgh.

Since the first days of the Reformation the maintenance of the ministers of Edinburgh had sorely troubled the authorities of the town. The stipends had often been inadequate, they had been irregularly paid, and there had always been a difficulty in levying them. Hitherto the necessary sums had been drawn from the common good, but experience had proved that this arrangement gave satisfaction neither to the town nor to the ministers. It was for this reason, therefore, that the magistrates submitted to the Parliament of 1633 a proposal for another arrangement, at once more equitable and more effective, for the raising of the necessary stipends. Both the King and the Estates were of opinion that some new arrangement was highly desirable, and the Privy Council was empowered to see it carried through. There were two alternative methods of raising the requisite fund on which there appears to have been some difference of opinion. The one was to impose the necessary tax on feu duties, the other to impose it on house rents. The former had the approval of the Council; but the latter was preferred by the town authorities, and their proposal was eventually embodied in an Act which received the Council's sanction. As prescribed by this Act, the sum of 12,000 marks was to be annually raised on the rentals of all the inhabitants of the burgh —four men being chosen out of each parish to fix the values of the rentals. As new houses might be built, and old ones would decrease in value, the provost and bailies were, every year or every two years, to appoint new valuators to report such changes as were thus rendered necessary in the rate of taxation. Only the rentals of those who resided in the town for "the most part of the yeere or halfe yeere" were to be subject to taxation; and the Lords of Council and Session were to be exempted—probably because they were not in the habit of residing all the year in town. In consenting to the imposition of this tax the town magistrates expressly stipulated "that the ground right and propertie of the houses sall not be affected" (pp. 209, 213, 232, 234).

Personal.

A few details regarding individuals of more or less prominence in their time may close this survey of the contents of the present volume. Among those who lay under the displeasure of the government were Lord Ochiltree, Lord Balmerino, the Earl of Airth, and one George Nicoll, whose case excited considerable interest in the country at large. The charge under which Ochiltree lay was narrated in the Introduction to the preceding volume of the Register. Accused of a false charge of treason against Charles's favourite, the Marquis of Hamilton, he had been sent down to Edinburgh to abide his trial. He was lodged in the Tolbooth in November 1631, and, though again and again the date of the trial had been fixed, it had for unknown reasons been as often postponed. At length, in September 1632, the Council received a mysterious letter from Charles intimating that it would receive from the President his commands for their further dealings with Ochiltree. What these commands were we are not told, but from the present volume we learn that in May of the following year Ochiltree was by the King's order conveyed from the Tolbooth of Edinburgh to the Castle of Blackness, there to be kept "in closse prison" till a further royal order was received (p. 101). As we learn from other sources, he was detained in that fastness till 1652, when he was released by the order of the Commonwealth of England (Douglas, *Peerage*, p. 329, Edin., 1813). Regarding Lord Balmerino, whose trial took place during our period, and which excited such wide-spread interest in the nation, we find but one entry and that of a trivial kind (p. 416). The disgrace of William, 6th Earl of Menteith, who had filled the offices of Lord President of the Privy Council and Lord Justice-General, has its chief interest from its connection with the genealogy of the House of Stewart. In 1631 he was granted a patent of the Earldom of Strathearn in virtue of his descent from David, Earl of Strathearn, eldest son of Robert II., by Euphemia Ross, and in the eyes of many like Drummond of Hawthornden this seemed a dangerous acknowledgment, which virtually involved the legal right of the new Earl to the throne itself. Strathearn himself seems to have had his head turned by the contemplation of this claim, and

Lord Ochiltree.

Lord Balmerino.

The Earl of Strathearn.

incautiously went about declaring that he "had the reddest blood in Scotland." If we are to believe Drummond, who in his "Considerations to the King" pointed out to Charles the impolicy involved in the grant of the Earldom, it was a matter of public concern that Strathearn should be taught that he had incurred the penalty of treason. We may believe, therefore, that it was rather in deference to public opinion than from any alarm on his own part that Charles called the late President so sharply to account, by depriving him of every office which might encourage him in his folly (p. 139). A less exalted personage than the President of the Council incurred the displeasure of Charles and his advisers, and in the public opinion of the time was the innocent victim of political expediency. George Nicoll, the son of an Edinburgh tailor, had been clerk to Sir Archibald Acheson, Secretary of State for Scotland, and in this position, it is to be supposed, he had been witness of such mal-practices on the part of certain high officials that he took it upon him to lay his information before the King himself. Among those he accused were personages no less exalted than Viscount Duplin, the Lord Chancellor, the Earls of Morton and Strathearn, Lord Traquair, and the Lord Advocate, Sir Thomas Hope. Besides being an informer, Nicoll was likewise an ingenious projector, and among his communications to Charles he revealed to him "ane discoverie of his Majesteis title to the Lewes," and suggested a method for the improvement of the Orkney and Shetland Islands. In a letter to the Council Charles professed that he was satisfied neither with Nicoll's allegations against the various officials nor his suggested schemes of improvement (p. 8). That Charles had considered Nicoll's charges sufficiently serious, however, is proved by the fact that the parties accused were summoned to London to face their accuser. But to have arraigned the most important members of his Scottish Council on the evidence of a person like Nicoll would have been an act of impolicy, which, as affairs now stood in Scotland, Charles could hardly have dared to commit. The subsequent proceedings regarding Nicoll certainly suggest that public opinion was correct in condemning them as a gross perversion of justice. According to Charles's

George Nicoll.

original command, he was to receive a fair trial before the Lord Justice-General, and the advocates were actually chosen who were to plead in his defence. On further thoughts, however, Charles saw fit to change his mind, and in a second letter he wrote to the Council we have a significant commentary on the whole affair. "Though we wer pleased," his Majesty wrote, "upon some false and malicious calumnies suggested unto us by ane George Nicoll aganis some of our cheefe officers to give order to our Justice Generall and Advocat for persewing and caussing his punishement be speedelie sentenced according to justice, yitt upon some considerations now moving us we ar heirby pleased that yow withdraw that caus from the judicatorie of the Justice Generall, and having callit the said Nicoll before yow that yow caus censure and punishe him in suche maner as yow shall thinke fitt." By this ingenious arrangement Nicoll's judges were the very parties whom he had accused, and their sentence—the pillory and perpetual banishment—certainly read a lesson to all would-be reformers. As he stood exposed at the town cross to the public gaze, we are told, he received "much compassion from the promiscuous beholders, who generally believed he suffered wrongfully" (pp. 8, 21, 30, 37-8, 58).

James Paul, merchant in Poland.

A supplication from one James Paul, who had been a merchant in Poland, reveals the difficulties under which wandering Scots sought their fortunes in that country. For some years everything went well with him, and he won "the commendatioun als weill of strangers as of natives with whom he had commerce." In due time he married "ane honest woman in that country," and "did so panefullie travell" with her in the matter of religion that from being a Papist she became "ane zealous professor of the truthe." Now, however, his fortunes took a turn for the worse. The Jesuits resented his perversion of his wife, and he was forced to leave that part of the country where he had made himself so comfortable. Some two years later he was present at the funeral of a brother Protestant when the craftsmen of the place, hounded on by the Jesuits, made an onslaught on the mourners. In the encounter that ensued Paul's brother was slain, "whilk moved the supplicant to

revenge his death by killing the man who killed him." As several of the craftsmen had fallen in the *mêlée*, a rigorous prosecution followed, with the result that twelve Scots and Germans were imprisoned—some of them under sentence of death. Through the favour of the "chief governor," Paul was suffered to go free, but his wife was detained and subjected to various inflictions with the object of persuading her to renounce her adopted religion. All means of persuasion having failed to shake her constancy, she was at length permitted to join her husband, who now "by the advyce of the whole ministrie" returned to his native land. The invariable custom of unfortunate Scots in the circumstances of Paul was to lay their story before the Council, with a petition that they might be recommended to the charity of their countrymen, and Paul followed the usual course with the desired result. He received a licence to make his appeal to "such as have been travellers in the country of Pole, and to all archbishops, synods, presbyteries, kirk sessions, and magistrates of burghs" (pp. 470–1). The result of the appeal is not recorded.

His Majesty's Camel.

As quaint illustrations of the miscellaneous duties of the Council, two entries in the present volume should not be passed over. His Majesty's camel, which apparently had excited the curiosity of the nation, had lost its keeper, and after various formalities it was at length entrusted to the custody of John Graham, gentleman of his Majesty's guard, whom the Council confirmed in his office in the following terms:—"The Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants thair warrand to the said Johne Grahame and suche as he sall nominat and appoint to carie the said camele throughout this kingdome and to show the same to the people in suche forme as thay sall thinke fitt by towcke of drum or sound of trumpet frome tyme to tyme without trouble or latt to be made unto thame, thay behaving thameselffes modestlie and honestlie according to the lawes of this kingdome and forbearing to make show of the said camele upon the Sabboth day or in the tyme of divine service" (p. 126). The other entry, referring to the death of a child run over by a coal-cart, must be read in all

its circumstantial details, to understand its quaintness and pathos, appearing where it does in the formal record of the Privy Council (p. 456).

I have again to thank the Rev. Henry Paton, M.A., for his valuable assistance in the preparation of this volume.

P. HUME BROWN.

REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

REGISTER

OF

THE PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.

Acts June 1632-June 1634. Fol. 174, a.

Apud Halyrudhous, secundo January, 1633.

Sederunt—Stratherne; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Secretary; Clerk Register; Advocate.

Charge to Mr. John Sharp, advocate, and others anent the records preserved in the Castle of Edinburgh.

"The whilk day Mr Johne Schairp, advocat, sonne in law to umquhill Sir Johne Hamiltoun of Magdalens, lait Clerk of Register, compeirand personally befoir the Lords of Secreit Counsell, produced and exhibite before the saids Lords the key of ane studie of the Exchecker Hous within the whiche the keyes ar of the chambers in the Castell where the publict registers and records ar keeped, quhilk key of the said studie wes delyvered to the Clerk of Counsell, and [the] saids Lords ordains the said Mr Johne Schairp and others, the freinds of the said late Clerk of Register, to meit with Sir Johne Hay of Lands, knight, Clerk of Register, upon the morne in the Exchecker Hous, at eight of the clocke in the morning, and that they with the Clerk of Counsell opin the studie in the Exchecker Hous and take furth thairof the keyes of the chambers in the Castell where the records ar keeped, and to sight and survey the saids writts and registers; and that they compeir befoir the saids Lords at twa of the clocke in the afternoone to the effect the saids Lords upon report of thair proceedings may take suche course and order for satis-

Fol. 174, b. faction of either partie as in reasoun sall be found fitting."

Charge to Mr. William Wallace, servitor, anent the same.

"The Lords of Secreit Counsell ordains Mr Williame Wallace, servitour to the lait Clerk of Register, who wes personallie present, to repone in the Castell suche writts and rollis as he by order frome the said lait Clerk of Register tooke furth of the same."

Holyrood House, 2nd January, 1633.

Royal Letters, 1623-33. Fol. 225, b.

"After our verie heartilie commendatiouns to your good lordship. Whereas the Kings Majestie is resolved, God willing, to honnour this his

Letter of Council to the Earl of Annandale anent the King's visit.

ancient kingdome with his royall presence this approacheing spring, and it being necessar and expedient for his Majesteis more contented receptioun heere that his parkes and speciallie that of Falkland be carefullie keeped and hayned and that the hunting and slaying of deir and vennisoun within the same be forborne, quhairthrow his Majestie may have the better occasioun of his sport and game, these ar thairfoir to recommend unto your lordship the care of this bussines quhairin we doubt not bot your lordship will be als respective as to the dewtie of your place apperteanes. So committing your lordship to the protectioun of the Almightie, we rest. Halyrudhous, 2 January, 1633. *Subscribitur*, Stratherne, B. Yles, B. Dumblane, Arch. Achesoun, S. Johne Hay, S. Thomas Hop." Royal Letters, 1623-33. Fol. 225, b.

Holyrood House, 8th January 1633.

Sederunt—Stratherne, præses; Privy Seal; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Tracquair; Secretary; Clerk Register; Advocate; Sir James Baillie. Acta, June 1632-June 1634. Fol. 174, b.

Declaration of Mr. John Sharp and Mr. John Wallace anent the Registers.

"The whilk day Mr Johne Schairp, younger, advocat, sone in law to umquhill Sir Johne Hamilton, lait Clerk of Register, and Mr William Wallace, servitour to the said lait Clerk Register, compeirand personallie before the Lords of Secreit Counsell, declared upon oath that to thair knawledge the haill registers and writts that wer in the keeping of the lait Clerk of Register ar still extant in the Charter hous and studie in the Exchecker, and that nane of thame hes beene abstracted since the death of the said lait Clerk of Register."

Declaration by Sir John Hay anent the same.

"The whilk day Sir Johne Hay of Lands, knight, Clerk of his Majesteis Registers and Rollis, compeirand personallie before the Lords of Secreit Counsell, declared that in obedience of his Majesteis letter and conforme to the directioun thairof he had receaved frome Mr Johne Schairp, sone in law to the lait Clerk of Register, the key of suche roumes in the Castell and Exchecker hous togidder with the evidents, registers and publict records that wer in the keeping and custodie of the lait Clerk of Register and declared that he wes satisfied and content thairwith. Quhairupon the said Mr Johne Schairp for himselfe and in name and behalfe of the airs and executours of the said lait Clerk of Register and of his servants asked and took instruments."

Letter from his Majesty anent the letters-patent of the Association for the Fishing.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being presentit to the saids Lords and read in thair audience, they ordaine the same to be insert and registrat in the bookes of Privie Counsell, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Whereas we wer pleased by our letters to yow for dateing at Westminster of the letters patents of the Association for the Fishings

Acts, June 1632-June 1634. Fol. 174, b. Fol. 175, a.

exped under the great seales of both kingdomes whiche sould have beene dated at Camburie, these ar thairfoir to approve what is done by yow notwithstanding of our former warrand, and to will yow to pas ane Act of Counsell thereanent for warrand of what is done or anie other evidence to that purpose yow sall thinke fitt, for whiche these sall be a sufficient warrand to yow. We bid you heartilie farewell. Frome our Court at Whitehall, the twelffe day of December, 1632."[1]

Letter from his Majesty anent the Hamburghers and Captain Robertson.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presentit to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trusty and weilbelovit counsellers, we greit yow weill. Having considerit how short a tyme wes appointed to thame of Hamburgh for doing justice in that caus concerning [the] late Captane Robertsone and his partners and the willingnesse of that State to doe the same with diligence, as we have understood by a commissioner sent by thame expresslie for that purpose, we have thought it reasonable to allow thame a longer tyme for doing thereof; and it is our pleasure that yow caus send some understanding person thither with a procuratorie to persew the parteis there; and in the meane tyme that yow caus delyver the shippes and goodes that wer takin from thame for that caus. And whereas the said commissioner hath givin us sufficient suretie and satisfactioun for payment of such soumes as sall be found due whensoever the sentence sall be pronounced, it is our further pleasure that the letters of reprisall grantit for this effect be discharged and suspended untill we sall find caus for renewing of thame, which we meane to doe heerafter if justice be delayed or refused by them. For, as we desire to deale justlie with our neighbour estats, so we will not have our subjects to suffer unjustlie by thame. So recommending this to be done with diligence, we bid yow farewell. Frome our Court at Whitehall, the 23 of December, 1632. Quhilk missive being read and considderit be the saids Lords, they ordaine the Erle of Linlithgow, Admirall, the Erle of Rothes, and rest of the said Captane Robertsons partners to be warned to Tuisday nixt to heare his Majesteis letter obeyed."[2]

Letter from his Majesty to the Lords of Council desiring them to assist the Treasurer and his Depute in their preparations for his Majesty's visit.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being presentit to the saids Lords and read in thair audience, they ordained the same to be insert and registrat in the bookes of Privie Counsell, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow

[1] An account of the "Association for the Fishing" will be found in the Introduction to the preceding volume of the Register.

[2] See Indexes to the three preceding volumes of the Register regarding the relations of Captain Robertson to the Hamburghers.

weill. We have sufficientlie expressed our resolutioun to yow for reparing (God willing) the nixt sommer to that our ancient kingdome for receaving our crowne and holding a parliament there, having writtin unto yow that a speciall and tymely care might be had for giving order to provide in generall for all things necessar and decent for our receptioun and interteanement during our abode there. Bot becaus there be divers things in particular concerning our interteanement whairof in a peculiar maner a speciall care sould be had by our Treasurars, principall and deputie, upon whome we have now imposed a charge thairof, and that the tymely foreseing and provyding for the same will require more than ane ordinar care and burdein, our pleasure is that from tyme [to tyme], as our saids officers or anie of thame sall have occasioun to require your advice and aide, yow furthwith assist and concurre with thame or anie of thame in the speedie executioun of what we have particularlie imposed upon thame, or in anie other thing yow sall finde requisite for our service in that kynde. We bid yow farewell. From our Court at Whitehall, the 28 of December, 1632." Acta, June 1632-June 1634. Fol. 175, b.

Alaster Grant to be released from his ward.

"A letter for releasing of Alaster Grant and setting him to libertie, notwithstanding that his remissioun is not at this tyme grantit. Continewis to this day aucht dayes that order may be tane for securing Ballindalloch." Sederunts, November 1629-January 1635. Fol. 95, b.

A Committee to be appointed in connection with his Majesty's visit.

"A Committee to the Thesaurar, President, Privie Seale, Wintoun, Carnegie, Thesaurar Depute, and Sir James Baillie, or anie thrie, the Deputie Thesaurar being one, without excluding anie of the Counsell who pleases to be present, for considering and advysing upon suche things as ar fitt to be prepared and in readines at his Majesteis heerecomming." Fol. 96, a.

Holyrood House, 10th January 1633.

Sederunt—Privy Seal; Wintoun; Annerdaill; Lauderdaill; Air; Bishop of Dumblane; Bishop of the Yles; Tracquair; Master of Elphinston; Secretary; Clerk Register; Advocate; Sir James Baillie. Acta, June 1632-June 1634. Fol. 175, b.

Charge to the provosts and bailies of certain towns to appear before the Council anent the number of cattle they are prepared to supply on the occasion of his Majesty's visit.

"Forsameekle as a littill before our soverane lords darrest father of famous and blissed memorie come to the kingdome in the 1617 yeere of God the magistrats of the burrowes and touns, particularlie underwrittin, undertooke to caus feed and hous in readines the nomber of fed nolt underwrittin aganis his Majesteis comming, they ar to say, the burgh of Perth sax score fed nolt, the burgh of Dundie 300 fed nolt, the burgh of Stirline 20 ky and 20 veillis, the citie of Glasgow 300 fed nolt, the citie of St. Andrews 60 fed nolt, the burgh of Couper 24 fed nolt, the toun of Alloway 30 fed nolt, the burgh of Dumfermelin sevin fed nolt, 16 ky, 12 young oxin, the burgh of Innerkeithing ten fed nolt, the burgh of Dysart 12 fed nolt, the burgh of Pittinweme 10 fed nolt, the burgh of Anstruther Wester 4 fed nolt, the burgh of Anstruther Easter 12 fed nolt, the burgh

Acts, June 1632-June 1634. Fol. 176, a.

of Monrose 36 fed nolt, the citie of Brechin 100 fed nolt, the burgh of Forfar 20 fed nolt, the toun of Kyllimure 32 fed nolt, the burgh of Linlithgow 24 fed nolt and 24 young oxin, the toun of Dalkeith 20 fed nolt and ky, the toun of Mussilburgh 12 fed nolt, the toun of Newbottill 30 fed nolt, and the Justices of Peace within the sheriffdom of Perth sevin score fed nolt. And whereas the King's Majestie is resolved, God willing, to satisfie the long wishes of his good and loving subjects by honnouring this his ancient kingdome with his royall presence this approacheing spring there is the lyke necessitie for the credite and reputatioun of the kingdome and for his Majesteis contented receptioun heere that sufficient provision be made of all things necessar for the furnishing of his Majesteis hous and tryne; thairfor ordains letters to be direct to command and charge the provest and bailleis of the burrowes and touns particularlie abonewrittin to compeir be ane of thair nomber sufficientlie instructed, and Sir Patrik Ogilvie of Inchemartine, conveenner of the Justices of Peace within the shirefdome of Perth, to compeir personallie before the Lords of Privie Counsell upon the 24 day of Januar instant to resolve and assure the saids Lords what nomber of fed nolt they will undertake and promise to have in readinesse again his Majesteis heerecomming, under the pane of rebellioun, etc., with certificatioun, etc."

Charge anent the preparation of lodgings for the King and his train.

"Forsameekle as the Kings Majestie is resolved, God willing, to honnour this his ancient kingdome with his royal presence this approacheing sommer, and whereas it imports verie muche to the honnour and credite of the kingdome that his Majesteis tryne and followers, amongs whome there will be a great nomber of the nobilitie and of others persons of good ranke and qualitie of the kingdome of England, be commodiouslie and hantsomelie loodged in all the touns where his Majestie will reside for the tyme, and that these touns be weill and sufficientlie furnished with all kynde of vivers and provisioun for man and hors, that thair loodgings be cleane, hantsome and neate, that the bedding and naperie be cleane and weill smelled, that the puter vessells be of sufficient largenesse, that no filth nor middings be seene upon thair streets and that no beggers be seene upon thair bounds; and seing his Majestie will honnour the touns following, to wit, Edinburgh and the Cannogait, Linlithgow, Stirline, Dunfermeline and Falkland with his royall
Fol. 176, b. presence, and that during his Majesteis stay at Dunglas ane great part of his tryne and followers must be loodged in Dumbar and Hadinton, and during his abode in Seaton some of his tryne must be loodged at Tranent, Mussilburgh and Dalkeith, thairfoir it becomes thame tymouslie to foresee and to provide that there be no enlaike of anie kynde of provisioun and furnishing in thair touns and that all things be soe orderlie and hantsomelie prepared and dressed within the same as may give his Majestie and his tryne contentment. And for this effect ordains letters to be direct charging the provests and bailleis of the burrowes and touns particularlie abonewrittin, as alsua the bailleis of Leith, West Port and

Potterraw to compeir be ane of thair nomber sufficiently instructed for thair toun before the Lords of Privie Counsell upon the 24 of Januar instant and to bring and produce with thame ane perfyte catalogue and roll of the haill loodgings and stables within thair touns and what nomber of persons everie loodging will commodiouslie and convenientlie loodge, and what nomber of horses thair stables will conteane; and that the said catalogue and roll conteane the names of the persons, awners of the saids loodgings and stables, and in what parts of thair touns the saids loodgings and stables ar; and to underly suche forder order as sall be injoynned unto thame both anent the keeping of thair touns cleane frome filth and provyding the same sufficientlie with all kynde of furniture for men and hors and anent suche others things as sall be prescryved and injoynned unto thame under the pane of rebellioun, etc., with certificatioun, etc." Acta, June 1632-June 1634. Fol. 176, b.

Letters to be addressed to the Earl of Annandale, James Maxwell of Springkell and James Johnstone of that Ilk, to appear before the Council anent their dispute concerning certain lands.

"Forsameekle as it is understand to the Lords of Secreit Counsell that there is great appearance of trouble and unquyetnes lyke to fall out betuix Johne, Erle of Annerdaill, James Maxuell of Springkell and James Johneston of that Ilke anent the meiths and marches of certane lands contraverted betuix thame, quhilks will not faile to produce forder inconveniences to the breake of his Majesteis peace without remeid be provydit; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids three parteis to compeir before the saids Lords upon the day of Marche nixt to underly suche course and order as sall be tane with thame tuicheing the observing of his Majesteis peace and keeping good rule and quyetnes in the countrie under the pane of rebellioun, etc., with certificatioun, etc.; and in the meane tyme to command, charge and inhibite the saids parteis that they nor nane of thame presoome nor take upon hand to invade, persew, trouble nor molest one another for whatsomever deid, caus or occasioun otherwayes nor be order of law and justice, every ane of thame under the pane of ten thowsand merkes; certifeing thame that failyeis and does in the contrare that they sall be decerned to have incurred and to incurre the said pane of ten thowsand merkes, and letters and executorialls sall be direct aganis thame for payment thairof to his Majesteis thesaurar, deputie thesaurar and receivers of his Majesteis rents in his Majesteis name and to his Majesteis use in forme as effeirs." Fol. 177, a.

Anent the currency of foreign dollars.

"The Lords of Secreit Counsell assignes to the commissioners for the burgh of Edinburgh and to the officiars of the Cunziehous Tuisday nixt to produce and give in to the Counsell thair answeres in writt to the proposition sent doun be his Majestie for rectifeing the abuse of the course of dollers."

Holyrood House, 15th January 1633.

Sederunt—Stratherne; Privy Seal; Wigton; Air; Bishop of Dumblane; Bishop of the Yles; Carnegie; Tracquair; Secretary; Clerk Register; Advocate.

Acta June 1632-June 1634. Fol. 177, a.

"The Lords of Secreit Counsell nominats and appoints David, Lord Carnegie; Adame, Bishop of Dumblane; John, Lord Tracquair; Sir Archibald Achesone, Secretar, and the Maisters of his Majesteis Workes to conveene and meit the morne at Halyrudhous at eight of the clocke in the morning, and there to sight and survey the Churche of Halyrudhous and to consider what is fitting to be helped and repaired therein, and how and upon what charges the same may be performed, and to report to the saids Lords upon Thursday nixt." Committee appointed for the inspection of Holyrood Kirk.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords Thesaurars of this kingdome, principall and deputie, being presentit to the Lords of Privie Counsell be Johne, Lord Steuart of Tracquair, and read in thair audience, the saids Lords after consideratioun of the said missive ordained the same to be insert and registrat in the bookes of Privie Counsell, there to remaine for the warrand of his Majesteis thesaurars principall and deputie thair proceidings in the maters specifeit in the said missive, of the whilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour and right trustie and weilbelovit counsellour, we greit yow weill. As we have hitherto sufficientlie expressed to our Counsell our absolute resolution for reparing, God willing, the nixt sommer to that our ancient kingdome for receaving our crowne and holding a parliament there, so in regarde that in a peculiar maner it concerneth your charge to forsee and make readie all suche provisions and things necessarie as ar requisite and decent for our receptioun and interteanement during our abode there, our speciall pleasure is that yow carefullie consider what is fitt and requisite to be provided for that purpose, and that accordinglie yow take a tymelie course that the same be in readinesse, and that Fol. 177, b. particularlie yow foresee that suche of our houses where we ar to be, be putt in good order, and to that effect that yow give speciall order to our Maisters of warke that nothing be deficient upon thair part, and that yow carefullie survey the estait of our wardrob, by causing amend, change and provide of new (if neid be) all suche wardrob stuffe as is requisite ather for our standing houses or removes: Commanding to this purpose Sir Johne Achinmowtie, Maister of our Wardrob, to whome we have writtin concerning the same, to give yow a particular compt of the estait thairof, and whome we require from tyme to tyme to be directed by yow for performing our service in this kynde, so that nothing therein be defective or indecent. And generallie we will expect at your hands suche a care and readinesse to see everie thing for our journey so provided as may best give us content and be to the honnour of that our ancient kingdome. We bid yow farewell. Frome our Court at Whitehall, the 28 day of December, 1632. Followes the directioun on the backe. To our right trustie and weilbelovit cousine and counseller and to our right trustie and weilbelovit counsellour, the Erle of Letter from his Majesty anent the preparation of his wardrobe.

Morton, and the Lord of Tracquair, our Thesauraris principall and deputie of our kingdome of Scotland." Acta, June 1632-June 1634. Fol. 177, b.

Letter from his Majesty desiring that George Nicoll be tried for bringing false charges against his Majesty's officials.

"The whilk day Sir Archibald Achesone of Glencarnie, knight baronnet, Secretar to our Soverane Lord, produced and exhibite before the Lords of Privie Counsell the missive letter underwritten, signed be the Kings Majestie and directed to the saids Lords concerning Mr George Nicoll his tryell before his Majesteis Justice for certane crymes mentioned in the said letter, quhilk being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains the said letter to be insert and registrat in the bookes of Privie Counsell and ane extract thairof to be givin to Sir Thomas Hope of Craighall, knight baronnett, his Majesteis Advocat, to be made use of be him in the criminall persute aganis the said Mr George Nicoll, of the whilk letter the tennour followes:—CHARLES R. Right trusty and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellours, we greit yow weill. Some papers being presented to us by one George Nicoll, who did thereby pretend the increasse of our revenew and good of our service, offering withall to qualifie some great neglects and abuses committed by some of our cheefe officers to our prejudice, we wer pleased to call him before us and heare him at lenth at severall tymes. Bot finding that, in the one he had most boldlie suggested unto us unjust Fol. 178, a. and malicious calumnies aganis our officers and, in the other had whollie succumbed in what he had undertakin to make good for our benefite; wherewith we being justlie offended ar heirby pleased to acquaint yow with the same becaus of the foolish and scandalous rumors that have beene spread by this meanes, and to remitt him thither to be punished that all others not warranted with verie just and evident grounds may by his exemple be terrified frome attempting the lyke hereafter. To whiche purpose we have appointed our Advocat to persew him before our Justice Generall or his deputs till a finall sentence be givin aganis him according to justice; and till that tyme we ar willing that he remaine as a delinquent in saife and closse custodie within the tolbuith of our burgh of Edinburgh. We bid yow heartilie farewell. Frome our Court at Whitehall, the 21 of December, 1632."

Charge against persons who are in the habit of damaging his Majesty's Park at Falkland and of slaying his deer.

"Forsameekle as it is understand to the Lords of Secreit Counsell that diverse persons dwelling ewest to his Majesteis parke of Falkland daylie haunts and resorts throw the same, makes rods and passages therein, hunts and hawkes throw the same, breakes down the paill and dykes thereof, halds and pastours thair bestiall and goods within the said parke, quhairthrow his Majesteis awne deir ar verie farre weakenned and driven to the point of starving; and if anie of his Majesteis deir happin at some tyme to raike out of the parke the countrie people thereabout hunts and slayes thame, in high and proud contempt of his Majestie, and spoyle of his gayme now at his intended heere-comming.

Acta, June 1632-June 1634. Fol. 178, a.

Thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects, be opin proclamatioun at the mercat croce of Falkland and at the parish kirks nixt adjacent to the said parke upon Sundayes before noone in tyme of sermoun or prayers, that nane of thame presoome nor take upon hand to resort nor repaire within the saids parkes, hunt nor hawke therein, breake doun the paill nor dykes of the same, nor putt, hold nor pastour anie bestiall or goods within the saids parkes and medowes but licence of the Erle of Annerdaill, his Majesteis foster and keeper of the saids parkes; and siclyke that nane of thame presoome nor take upon hand to hunt nor slay anie of his Majesteis deir that sall happin to raike out of the said parke, under the panes following, to witt, to be punished in thair persons be warding in the palace of Falkland, and forder to be fynned in suche soumes of money as sall be imposed upon thame at the sight and discretioun of his Majesteis Counsell."

Fol. 178, b.

"The whilk day John Sinclare, baillie and commissioner for the burgh of Edinburgh, Johne Achesone, generall of the Cunziehous, and George Foullis, maister of the Cunziehous, compeirand personallie before the Lords of Privie Counsell, gave in everie one of thame thair several answeres with thair overtures to the propositioun made be Mr Briot for rectifeing the abuse and course of dollers within this kingdome; the advisement and consideratioun of whiche answeres and overtures the saids Lords continewes till this day aucht dayes."[1] Answers by John Sinclair, bailie, and commissioner for the burgh of Edinburgh, and others anent Mr. Briot's proposals for the reform of the currency.

Sederunts, November 1629-January 1635. Fol. 97, a.

"Charges aganis the shireffs for productioun before the Counsell of the act of electioun of commissioners to the parliament." Anent the Commissioners for the Parliament.

"Missives to be writtin to the commissioners appointed for revising of the lawes for a meiting to be keeped be thame heere upon the 20 of Februar." The revising of the laws.

"Charges aganis the Marqueis of Huntlie for exhibitioun of certane excommunicat rebellis dwelling upon his ground." The Marquis of Huntly.

Acta, June 1632-June 1634. Fol. 178, b.

Sederunt—Stratherne; Privy Seal; Wigtoun; Air; Bishop of Dumblane; Bishop of the Yles; Carnegie; Tracquair; Secretary; Clerk Register; Advocate. Holyrood House, 17th January 1633.

"Forsameekle as the Kings Majestie is resolved, God willing, to honnour this his ancient kingdome with his royall presence this approacheing sommer; and whereas there will be ane nomber of occasiouns daylie interveenning concerning his Majesteis contented receptioun heir for the honnour and credite of the countrie quhilks will require a daylie sitting of some of his Majesteis Counsell, and may not abide the ordinar meitings of a full nomber thairof; and the Lords of Secreit Counsell being carefull to forsee all occasiouns quhilks may advance the tymous dispatche and Appointment of a committee for superintending the preparations for his Majesty's visit.

[1] See Index to previous volume of the Register for Briot's proposals for the reform of the currency.

orderlie disposing and provyding of all things concerning this important mater, thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to George, Vicount of Dupline, Lord High Chanceller of this kingdome; Williame, Erle of Morton, Thesaurar; Williame, Erle of Stratherne, Lord President of his Majesteis Counsell; Thomas, Erle of Hadinton, Lord Privie Seale; Adame, Bishop of Dumblane; David, Lord Carnegie; Johne, Lord Steuart of Tracquair, Deputie Thesaurar; Sir Archibald Achesone of Glencarnie, knight baronnet, Secretar; Sir Johne Hay of Lands, knight, Clerk of Register; Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat; and Sir James Baillie of Lochend, or anie twa of thame with the said Thesaurar or Deputie Thesaurar, to conveene and meit daylie in his Majesteis Exchecker Hous at Edinburgh about nyne of the clocke in the forenoone, and to begin the morne the 18 of this instant, or at suche others tymes and places as the saids commissioners or anie twa of thame with the saids Thesaurar or Deputie Thesaurar sall appoint, and there to conferre, advise, consult, conclude and determine upon all and every thing fitting and requisite to be prepared and provydit aganis his Majesteis heerecomming and to give directions thereanent be missives or otherwayes as they sall thinke good. Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin." Acta June 1632-June 1634. Fol. 178, b.

Directions of Council anent certain lands in dispute between the Earl of Annandale, James Maxwell of Springkell and James Johnstone of that Ilk.

See *ante*, p. 6.

"The whilk day the Lords of Secreit Counsell having heard the relatioun and report made be Williame, Vicount of Air, tuicheing the executioun of the submissioun made unto him and some others mentioned in the said submission be Johne, Erle of Annerdaill, James Maxwell of Springkell and James Johneston of that Ilke anent the taking tryell and cognitioun of the marches of the lands and mosses contraverted betuix the saids three parteis, and the saids Lords finding be his report that he could not settle the differences betweene the saids parteis and that there wes appearance of trouble and inconvenient lyke to fall out betuix thame to the breake of his Majesteis peace; thairfoir the saids Lords for preventing thairof fand it meit and expedient that all the saids parteis sould be bound for thameselffes and takand the burdein upon thame for thair men, tennents and servants, to observe and keepe his Majesteis peace eache of thame with others and that nane of thame sould interrupt others nor thair tennents and servants to pastour promiscuously in the bounds contraverted betuix the saids parteis and particularlie mentiouned in the said submissioun till it be decyded be order of law to whome the said ground and mosses contraverted apperteanes; and siclyke that they and ilke ane of thame sall absteane and forbeare frome all casting and winning of peatts and fewell within the saids bounds and mosses contraverted untill the first day of Junij nixttocome, ilke ane of thame under the pane of fyve thowsand merkes; as alsua that they and ilke ane of thame sall compeir personallie before the saids Lords upon the first Counsell Fol. 179, a.

Acta, June 1632-June 1634. Fol. 179, a.

day of April nixtocome and underly suche forder order as the saids Lords sall injoyne unto thame under the panes respective abonewrittin. Lykeas the saids James Johnestoun and James Maxwell, being callit upon and compeirand personallie and this present ordinance intimat unto thame, they reverentlie acquiescit thereunto and actit and obleist thame to observe, keepe and fulfill the same in everie point under the panes respective foresaids; lykeas the said Vicount of Air promeist to speeke with the Countesse of Annerdaill anent this mater, and if she fand not the lyke obligement for the said Erle, her husband, that than he sould act himselfe as cautioner for him in maner and to the effect abonewrittin. Lykeas the saids Lords declares that this enacting of the persons particularlie abonewritten nor promiscuous possession foresaid sall not be prejudiciall to thame nor nane of thame anent thair right and possessioun of the bounds and mosses foresaids nor anent anie actioun competent to thame be vertew thairof whilks ar all reserved to the saids parteis to be persewed and discust before the Judge competent be the ordinar course of law and justice."

Sederunts, November 1629-January 1635. Fol. 97, b.

"Ordains the Maister of his Majesteis Workes who wes present to attend the Committee the morne anent the reparatioun of the kirk of Halyrudhous." Holyrood Kirk.

"Missives writtin to the commissioners for revising of the lawes; and suche as wer this day present ar warned *apud acta* to conveene with the rest upon the 28 of Februar nixt." The revision of the laws.

Royal Letters, 1623-33. Fol. 225, b.

c. January 1633. Letter of Council to the Commissioners for revising the laws.

After our verie heartilie commendatiouns. Whereas the King's Majestie is most solist and earnest that the commissioun grantit for revising of the lawes be carefullie followed out by these to whois charge the same is committed that according to the intent thairof all things may be in readinesse to be rectified and ordered in the nixt Parliament, for the better effectuating of the whiche bussines there is a meeting of the whole commissioners appointed to be heere at Halyrudhous upon the 20 day of Februar nixtocome, and yow being one of that nomber, these are to requeist and desire yow that yow faile not, all excuisses set aside, to keepe the said dyet preceislie and to concurre with the rest of the commissioners by your best advice and endeavoures for performance of these things whiche by the said commissioun ar concredite to your care. Whiche looking assuredlie yow will doe we committ yow to God.

Acta June 1632-June 1634. Fol. 179, b.

Holyrood House, 22nd January 1633.

Sederunt—S[t] Andrewes; Privy Seale; Wintoun; Bishop of Dumblane; Bishop of the Yles; Carnegie; Tracquair; Secretary; Clerk Register; Advocate.

Order of Council to certain sheriffs to proceed to the election of Commissioners

"Forsameekle as the Lords of Secreit Counsell ar informed that at the terme of Michaelmes last, whilk wes the terme appointed be Act of Parliament for electioun of commissioners for the small barons and freeholders within the severall shirefdomes of this kingdome to attend his

for the Parliament. Majesteis parliaments and generall counsellis, there wes no electioun made at all of the saids commissioners within manie of the shirefdomes of this kingdome, at least the same wes not formallie nor lawfullie led according to the order prescryved be the Act of Parliament, quhilk is ane great omissioun and neglect of dewtie in these to whois charge the said electioun apperteanned, and throw occasioun whairof his Majesteis service and the publict effaires of the estait to be intreatted at this approacheing parliament will receave verie great hurt and prejudice without remeid be provydit; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the shireffs of the shirefdomes of Edinburgh principall, constabularie of Hadinton, Beruick, Roxburgh, Selkirk, Peebles, Lanerk, Dumfreis, Wigtown, Linlithgow, Stirline, Air, Renfrew, Dumbartane, Clackmannane, Fyfe, Kinroscher, Perth, Forfar, Kincardin, Aberdein, Bamf, Elgine, Forres, Narne, Invernes, Cromartie, Caithnes, Sutherland and Orkney, and thair deputs and the commissioners who wer nominat within the saids shirefdomes to attend the said parliament this last yeere bygane and who hes not made anie nominatioun nor electioun at all, that they and everie ane of thame with all convenient diligence conveene the small barons and freehalders within the saids shirefdomes respective and at thair meitings that they nominat some speciall persons, freehalders of his Majestie, to be commissioners for the saids shirefdomes respective at all parliaments and generall counsellis during this present yeere, and that they compeir before the Lords of Privie Counsell upon the days particularlie underwrittin, viz., the saids haill sheriffs and thair deputs and commissioners dwelling benorth the Water of Tay upon the fourteene day of Marche nixtocome, and the saids haill shireffs and thair deputs and commissioners foresaids dwelling besouth the said Water of Tay upon the 26 day of Februarie nixtocome, and that they and everie ane of thame bring and produce with thame before the saids Lords the dayes respective abonewrittin ane formall record and act in writt sealed and subscribed according to the forme and order prescryved be the said Act of Parliament concerning the nomination and election of the saids commissioners, under the pane of rebellion, etc., with certification, etc." Acta, June 1632-June 1634. Fol. 179, b.

Order to his Majesty's Master of Works to repair Holyrood Kirk. "Forsameekle as the King's Majestie has resolved that his coronatioun sall, God willing, be in the Abbey Kirk of Halyrudhous, and whereas it is verie requisite both for the credite of the countrie and for the solemnitie of this important actioun that the said kirk be repaired and ordered in suche a decent and comelie maner as is most fitting for suche ane great and honnourable actioun, thairfoir the Lords of Secreit Counsell ordains and commands James Murray and Antony Alexander, Maisters of his Majesteis Workes, to enter with all possible diligence to the repairing and ordering of the said kirk in the particulars following, viz. —to take doun the east gavell within the great arche where the old window is, and to erect and build up ane faire new window of good stane Fol. 180, a.

Acts, June 1632-June 1634. Fol. 180, a.

worke, and als ane window in the east end of the north yle; and forder to build up the north-west steeple with stone, timber and leade, and to make it fitt to receave a pale of bells; as alsua to helpe and repaire the south-west steeple so farre of it as must be in sight, and to repaire and make new the great west doore with stone and timber; and alsua to repaire the haill west gavell with some lights to be struckin out therein with the twa turnepyckes to be partlie takin doun and weill repaired and thacked in good order; as alsua to remove the haill lofts and deskes, and to repaire the haill breaches and defects of all the pillers, and to helpe the plaistering of the north yle and to swettin and sett it aff in good sort conforme to the south yle; as alsua to prepare and have in readines als manie daillis, trees, sparres, and naillis as sall be thought necessar for erecting of the King's Majesteis throne and others degrees of honnour with suche barricats and lofts as sall be necessar; and ordains the saids maisters of warkes to begin to the saids warkes with all possible diligence and to provide warkmen and all materialls necessar where ever they can be best and soonest had; for doing of whilks premises this present act sall be to thame ane warrand; and ordains his Majesteis Thesaurar and Deputie Thesaurar to furnishe moneyes fra tyme to tyme as the necessitie of the service sall require."

Appointment of commissioners to superintend the repair of the highways.

"The Lords of Secreit Counsell, finding it necessar and expedient for the honnour and credite of the kingdome and for his Majesteis contented receptioun heere, that the hie wayes and passages throw the quhilk his Majesteis progresse will ly be mended, helped and enlarged and made passable for coaches and horses, thairfoir the saids Lords hes nominat and appointed the persons following within the bounds particularlie underwrittin to ryde the saids hie wayes and passages and to consider what places neid ather enlarging or mending of the wayes, fuirds, bridges or passages, and after exact consideratioun thairof to prescryve and publishe the order whilk they sall find most meit and easie to repair the necessar defects foresaids by the travellis and charges of the inhabitants within the saids bounds, and the saids orders to be perfytted betuix and the day of nixtocome; and that it be straitlie injoyned to the shireffs and justices of peace to have ane care to see the directiouns to be givin to thame and the order and rule to be sett doun in this bussines to be performed, and that they rander ane accompt of the diligence of the countrie where they dwell to his Majesteis Counsell upon the day of that if anie thing be resting undone and perfytted they who sall be found negligent or undewtifull may be censured and punished; and if all of thame who ar in the commissioun sall not be present that suche of thame as ar present doe that quhilk is injoynned to be performed be the whole; and that the saids commissioners report to the Counsell upon the day of thair whole proceedings in this mater and of the order to be sett doun be thame and be the shireffs and justices of peace and all that hes proceedit therein.

Fol. 180, b.

Followes the names of the commissioners nominat and appointed for this service, viz.—for the wayes and bounds betuix Beruick and Dunglas, the Lairds of Langton and Blacader, Sir James Baillie, Mr James Nicolson of Colbrandspeth and the Erle of Homs baillie; for the bounds betuix Dunglas and Seatoun, the Erle of Wintoun, the Lord Yester, the Laird of Wauchtoun, Sir Robert Hepburn and Mr James Sydserf of Rouchla; for the bounds betuix Seatoun and Dalkeith and fra that to the West Port of Edinburgh and fra Dalkeith to Leith and fra that to the West Port, the Erle of Lothiane, the Lord Ramsay, Sir Williame Nisbet, the Laird of Prestoun, the Laird of Lugtoun and the Laird of Edmiston; for the bounds betuix Edinburgh and Linlithgow, the Erles of Wintoun and Linlithgow, the Lairds of Dundas and Corstorphine, Johne Dundas of Newliston and Thomas Dalyell; for the bounds betuix Linlithgow and Stirline, the Erles of Linlithgow and Wigtoun, the Lairds of Powmais and Keir; for the bounds betuix Stirline and Dumfermline, the Erle of Mar, the Lairds of Clackmannan, elder and younger, the Laird of Tulliallan, John Areskine of Balgownie, Sir Johne Preston of Walifeild and Alexander Bruce of Ava; for the bounds betuix Dumfermline and Falkland, the Erle of Rothes, the Lord Burlie, the Laird of Balward, the Lairds of Pitfirran and Randifurd and Mr Thomas Wardlaw; for the bounds betuix Stirline and Falkland, the Lairds of Cleish, Aldie, Dowhill, Sauchie and Alexander Bruce of Ava; for the bounds betuix Falkland and Bruntilland, the Lords Melvill, Burlie and Wemes, the Lairds of Balvaird, Balmowto and Balfoure." Acta, June 1632-June 1634. Fol. 180, b. Fol. 181, a.

Ten or twelve horses to be bought for drawing his Majesty's baggage.

"The Lords of Secreit Counsell finds it verie necessar and accordlinglie ordains Johne, Lord Stewart of Tracquair, deputie Thesaurar, to caus buy ten or twelffe hors for the forderance of his Majesteis carrage, and to advance sax hundreth punds Scotish money to Andrew Ker, stabler, who is imployed to buy thir hors, and that upon compt, and for the quhilk soume the said Andrew, being present, promeist to be comptable and ansuerable; and ordains him to use all possible diligence in this mater."

Act anent lodgings for his Majesty's train in the Canongate.

"The Lords of Secreit Counsell gives and grants warrand and commissioun be thir presents to Johne, Lord Steuart of Tracquair, Deputie Thesaurar, to survey the haill loodgings in the Cannogait, and how manie of thame ar commodious for loodgings of the strangers who ar to come with his Majestie or of the noblemen of this kingdome; and that the said Deputie Thesaurar dispose of the saids loodgings as he sall thinke meit."

Caution by William, Viscount of Ayr, for the Earl of Annandale. See *ante*, p. 10.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Williame, Vicount of Air, and become actit and obleist as cautioner and souertie for Johne, Erle of Annerdaill, for himselfe and takand the burdein on him for his men, tennents and servants, that the said Erle sall observe and keepe his Majesteis peace with James Maxwell of Springkell and James Johnestoun of that Ilke, and that the said Erle nor his men, tennents nor servants sall not interrupt the saids

Acts, June 1632-June 1634. Fol. 181, a.

James Maxwell and James Johnestoun nor thair tennents and servants to pastour promiscuouslie in the bounds and mosses contraverted betuix the saids parteis and particularlie mentiouned in the submissioun made be thame to the said Vicount of Air and some others nominat therein till it be decyded be order of law to whome the said ground and mosses apperteanes; and siclyke that the said Erle sall absteane and forbeare from all casting or winning of peittis or fewell within the saids bounds and mosses contraverted untill the first day of Junij nixtocome under the pane of fyve thowsand merkes; as alsua that the said Erle sall compeir personallie before the saids Lords upon the first Counsell day of Aprile

Fol. 181, b.

nixtocome and underly suche forder order as the saids Lords sall injoyne unto him in the mater under the said pane of fyve thowsand merkes. Lykeas the saids Lords declares that this cautioun found be the said Erle nor promiscuous possessioun foresaid sall not be prejudiciall to him anent his right and possessioun of the bounds and mosses foresaids nor anent anie actioun competent to him be vertew thairof quhilks ar all reserved to the said Erle to be persewed and discust before the judge competent according to the course of law and justice."

Sederunts, November 1629-January 1635. Fol. 98, a.

"Continewes the cunzie and the pearle till Thurisday nixt." Holyrood House, 22nd January 1633.

"Continewes his Majesteis letter anent the Hamburgers till Thurisday, and ordanis the Hamburgers to have a copie of the defence givin in be the pairtners of Captane Robertsoun." The coinage and pearls. Hamburg and Captain Robertson.

Royal Letters, 1623-33. Fol. 225, b.

"After our verie heartilie commendatiouns to your good lordship. The Kings Majestie having resolved, God willing, to satisfie the hopes and the earnest wishes of his good and loving subjects of this his ancient kingdome, to have the happines to see his Majestie heere in this approacheing sommer it becomes thame thairfoir to contribute thair best meanes for preparing all things necessar for his Majesteis contented receptioun and speciallie that the hie wayes and passings where his

Fol. 226, a.

Majesteis progresse will ly be enlarged and mended and made passable for coaches and cairts, and where anie fuirds or bridges in these bounds requires reparatioun that they be helped with all possible diligence. And becaus the giving of directiouns and the prescryving of the order how this bussines sall be followed out must necessarilie be committed to some persouns weill affected to his Majesteis service within everie shire there is ane choise and list made of some selected noblemen and others for this effect and namelie of your lordship with the Laird of Dundas and Corstorphine, Johne Dundas of Newlistoun, and Thomas Dalzell for the haill bounds betuix Edinburgh, and Linlithgow, and thairfoir these ar to requeist and desire yow to appoint some short day when and where your lordship with the others commissioners may meit, and that yow conveene with yow the shireff of the shire and the conveener of the justices of peace within the same, and that yow ryde the hie wayes where his Majesty is to pas and consider quhat places needs ather enlarging or mending of the wayes, fuirds, bridges or passages, and after exact con-

Holyrood House, 22nd January 1633. Letter of Council anent the repairing of the high-ways.

sideratioun thairof that yow prescryve and publishe the order quhilk yow sall finde most meit and readie to repaire all necessar defects be the travells and charges of the inhabitants within the saids bounds, and to be perfycted with diligence betuix and the first day of May nixt; and that yow straitlie injoyne to the shireffs and justices of peace to have ane care to see your directiouns and the order and rule to be sett doun be yow in this bussines performed and that yow command thame to rander ane accompt of the diligence of the countrie where they dwell to his Majesteis Counsell upon the tent day of Marche nixt that if anie thing be restand then unperfytted these who sall be found negligent and undewtifull may be censured and punished. And if all of yow who ar in this commissioun sall not be present that suche of yow as sall be present doe that quhilk is heirby injoynned to yow; and desiring yow to make report unto his Majesteis Counsell upon the xxiiij day of Marche nixt of all your proceedings in this mater and of the order to be sett doun be yow and the shireff and justices of peace how farre is proceedit heerin, we committ yow to God. Frome Halyrudhous, the 22 day of Januar, 1633. *Subscribitur*, St. Andrewes, Hadintoun, Wintoun, Iles, Carnegie, Arch. Achesoun, J. Hay. Royal Letters, 1623-33. Fol. 226, a.

Holyrood House, 24th January 1633.

Sederunt—Stratherne, præses; Privy Seal; Mar; Linlithgow; Wintoun; Wigtoun; Bishop of Dumblane; Bishop of the Yles; Carnegie; Secretary; Clerk Register; Advocate; Sir James Baillie. Acta June 1632-June 1634. Fol. 181, b.

Letters of reprisal granted to the late Captain Robertson against the Hamburghers to be suspended.

"The Lords of Secreit Counsell having considderit and at lenth debaited his Majesteis letter sent unto thame concerning the Hamburgers and the shippes and goods tane frome thame be vertew of the letters of reprisall grantit to umquhill Captane Robertsone and to Captane James Orrock, the saids Lords in obedience of his Majesteis pleasure signified by his said letter, finds that the letters of reprisall sall be suspended and surcease till his Majestie give new order thereanent; that the parteis interessed in the letters of reprisall sall send a sufficient person authorized with a lawfull procuratorie to Hamburgh to persew redresse and reparatioun of the wrong susteanned by thame, and in the meane tyme that the ship and goods takin and intrometted with be vertew of the letters of reprisall sall remaine where they ar, cautioun being found to make the same furthcummand to the persons having right thereto after satisfactioun made be the Hamburgers; allowing alwayes the Lord Admirall of this kingdome to sell suche perishable goods as cannot be preserved to the best availl; and that ane letter be writtin to his Majestie to acquaint him therewith and humbelie to desire his Majestie that for the priviledge of the countrie and the parteis ease the suretie for satisfactioun found in England may be transferred and renewed heere, which being done, that in England to be voide."

Acts June 1632-June 1634. Fol. 181, b.

Proclamation for the preservation of wild fowl in view of his Majesty's visit.

"Forsameekle as our soverane lords awne earnest desire, the heartie wishe and prayers of his most loving subjects of this kingdome and the effaires of the estate both for receaving of his crowne and holding of a parliament, hes invited his Majestie thir diverse yeeres bygane to honnour the same with his royall presence, and the impediments quhilks fra tyme to tyme wer ane latt and hinder of the accomplishement of his Majesteis intended journey hither being now by Gods assistance removed, his Majestie hes resolved, God willing, in this approacheing spring to begin his journey heere. And whereas his Majesteis repaire Fol. 181², a. hither will necessarilie draw with his Majestie great nombers of the nobilitie and gentrie of the kingdome of England, for whois recreatioun, exercise and pastyme necessar it is that there sall be ane forbearance of the slaughter of wylde foule and vennisoun for some certane space, whereby the same may be the more abundant for the use and interteanement of his Majesteis Court and for the credite and reputatioun of the kingdome; thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what qualitie or degree soever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull that nane of thame presoome nor take upon hand to slay, sell, buy or eate anie kynde of pertridges, blacke cockes, earth hennes, termigants, capercailyeis and murefoullis nor no vennisoun at anie tyme after the publicatioun heirof whill the last day of Marche nixt under the pane of ane hundreth punds to be incurred be everie persoun contraveening the premisses sa oft as he or she sall failzie or contravene; whilk contraventioun and failzie sall be tryed ather be thair awne oath or be witnesses as accords of the law: And whereas the person or persons contraveening ar not able to pay the said soume they shall be punished in thair persons by warding and feeding upon bread and water at the arbitrement of his Majesteis Counsell: And siclyke to intimat and declare to all and sindrie person or persons that who ever will reveale and show to his Majesteis Counsell or Deputie Thesaurar where and be whome anie of the kyndes of wylde foule foresaid and vennisoun is slaine, sauld, bought or eatin and will furnishe probatioun for the same, that not onelie thair names sall be concealed, bot they sall have twentie punds of everie contraventioun that sall be tryed and decerned be thair meanes: And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamatioun, as said is, that nane of them presoome nor take upon hand to hunt hares ather with ratches or grewhounds within aucht myles of the palaces of Halyrudhous, Linlithgow, Stirline, Dumfermeline or Falkland under the panes conteanit in the former Acts of Parliament and Secreit Counsell made thereanent, certifeing thame that sall doe in the contrarie that the saids panes sall be inflicted upon thame without favour: and siclyke to command and charge all and sindrie stewarts, justices of peace, magistrats

within burgh and all others bearing anie office, charge or commandement under his Majestie, everie ane of thame within thair awne bounds, limits and jurisdiction, that they and everie ane of thame have ane speciall care and regarde to see this proclamatioun preceislie observed and keeped within thair bounds and that they suffer no mercat to be made nor keeped for anie kynde of the wylde foule abonespecifeit, nor nane to be sauld in houses nor sellers bot that they appoint searchers and visitors to discover and try where there sall be anie breake of this ordinance, as they will answer to his Majestie and his Counsell upon the dewtifull discharge of thair offices." Acta, June 1632-June 1634. Fol. 181², a. Fol. 118², b.

Beef, lodgings, and hay in view of his Majesty's visit.

"The Lords ordains the burrowes that ar charged anent fed beiff and loodgings and the awners of hay to attend the Committee the morne in the Exchecker Hous at nyne of the clocke in the morning." Sederunts, November 1629-January 1635. Fol. 98, a.

Holyrood House, 28th January 1633.

Sederunt ante meridiem—Stratherne; Privy Seal; Linlithgow; Wintoun; Areskine; Bishop of Dumblane; Bishop of the Yles; Carnegie; Tracquair; Secretary; Clerk of Register; Advocate; Sir James Baillie. Acta, June 1632-June 1634. Fol. 181², b.

Letter from his Majesty anent the Lady Luss.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presentit to the saids lords and read in thair audience, of the quhilk the tennour followes:—Right trustie and right weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers and trusty and weilbelovit counsellours, we greit yow weill: Having resolved to give suche ane ansuer as we in our princelie judgement sall thinke fitt to ane humble sute made to us in behalfe of the Ladie Lusse that she might have a sufficient maintenance allowed for the interteanement of her selfe and childrein, becaus (as she affirmeth) she hath none for the present tyme, Our pleasure is that yow informe your selffes frome suche persons to whome the Laird of Lusse hath entrusted the managing of his estate or other wayes, as yow sall thinke fitt, how the said ladie is provided and certifie us thairof, and of the estate of that hous as now it is, with the whole debts wherewith it is burdenned and what will fall to us by his escheit, wherein we will expect to heare frome yow with suche conveniencie as may be. We bid yow farewell. Frome our Court at Whitehall, the 12 of Januar, 1633. Quhilk missive being heard and considderit be the saids Lords they ordaine missives to be writtin to the said Ladie and to the chamberlans and factors of the living of Lusse for thair compeirance before the Counsall to satisfie the desire of his Majesteis letter."

Eodem die, post meridiem, Sederunt ut supra except Areskine, Yles and Advocat.

Importers of

"The Lords of Secreit Counsell hes thought meit and expedient and

Acta. June 1632-June 1634. Fol. 181², b. Fol. 182, a.

accordinglie ordains and commands Johne, Lord Stewart of Tracquair, Deputie Thesaurar, and Sir Thomas Hope of Craighall, his Majesteis Advocat, to persew by all lawfull meanes and tryell the importers of dollers since the dait of the proclamatioun made thereanent and the exporters of his Majesteis proper coyne, and to proceid aganis thame with all possible diligence in the tryell and probatioun thairof." dollars to be prosecuted.

"The Lords of Secreit Counsell having heard and considderit the propositioun made by Alexander, Erle of Linlithgow and Admirall of this kingdome, tuicheing Johne Brown, indweller in Pasley, now prisonner in the tolbuith of Glasgow, for buying of some pyrat goods, the saids Lords allowes the said Lord Admirall to putt the said Johne to libertie and fredome furth of the said tolbuith, he first acting himselfe for his compeirance before the said Lord Admirall when ever he sall be lawfullie charged to that effect under the pane of death; anent the doing whairof this act sall be unto the said Lord Admirall ane warrand." John Brown, indweller in Paisley, accused of buying goods from a pirate, to be freed from ward.

Sederunts, November 1634-January 1635. Fol. 98, b.

In the Sederunts the Thesaurar is added to the number of those who are to prosecute the importers of foreign money. The Treasurer.

Letters, 1633-38. Fol. 226, b.

Most sacred Soverane. Your Majesteis letter of the 23 of December did signifie unto us that your Majestie doeth thinke it reasonable to grant a longer tyme to the State of Hamborrow for doing justice unto the partners of Captane Robertsoun, deceased, for reparatioun of his and thair losses and wrongs done by Captane Longue and Utenhold, and thairfoir required us to send some understanding person thither with a procuratioun to persew the parteis there and in the mean tyme to caus delyver the shippe and goods that wer takin be vertew of the letters of reprisall formerlie granted to the said Captane Robertsoun and his partners and also requiring us to discharge or suspend the said letters of reprisall untill the same may be renewed be your Majestie, becaus the commissioner for Hamborrow hath givin unto your Majestie sufficient securitie and satisfactioun for payment of suche soumes as sall be found dew when soever the sentence sall be pronunced. In humble obedience of your Majesteis said letter we did call before us the parteis interessed and they being heard with the Lord Admirall for his interesse we have givin order to suspend the saids letters of reprisall until your Majesteis further pleasure be knowne, and have required the parteis and partners to send some understanding persoun authorized with a procuratioun to persew thair caus in Hamborrow and they have undertakin to doe the same in hope your Majestie will be graciouslie pleased to revive or enlarge the saids letters of reprisall if justice sall happin ather to be refuised or delayed in Hamborrow after suche tyme as your Majestie may be pleased to appoint for doing of justice there, and in the meane tyme we have takin suretie of the parteis and partners to make suche of the goods as ar extant furthcoming to suche parteis as sall be found to have best right thereunto after satisfactioun made to the said Robertsoun, his airis, executors or partners for thair losses susteanned, becaus Holyrood House, 28th January 633. Letter of Council to his Majesty anent the Hamburghers and the late Captain Robertson. See *ante*, p. 16.

the saids goods wer takin *bona fide* be vertew of the saids reprisalls after that the parteis losses and wrongs wer provin before the Judge of the Admiralitie of England, as we ar informed. And in regarde that some of the goods ar perishable and cannot be preserved anie longer, thairfoir we have ordained suche to be sauld at the best advantage at the sight of your Majesteis Admirall and the same being so sold we have takin securitie to make the prices thairof furthcoming to anie parteis interessed after satisfactioun made to the heyres, executors, partners or assignees of the said Robertsoun, as said is; and if the State of Hamborrow hes found securitie to your Majestie for satisfeing of quhat sall be adjudged, we doe humbelie pray your Majestie to transmitt the said securitie into this kingdome that the parteis being now forced to sue in suche a forrane countrie as Hamborrow may not thereafter be compelled to seeke execution aganis the sureteis in England or in anie forrane countrie quhairof the lawes and customes ar unknowne to thame. And as by your Majesteis said letter we doe perceave your Majesteis royall care not onelie to deale justlie with your nighbour States bot also to preserve your Majesteis good subjects from wrong and prejudice so we doe humbelie pray and beseeche your Majestie to continew in that royall and princelie resolutioun as a marke of your Majesteis justice and equitie commendable to the world and all succeeding posteritie; and so with our humble and heartie prayers for your Majesteis long health and happines, we rest, etc. Halyrudhous, 28 January, 1633. *Subscribitur*, Stratherne, Hadintoun, Wintoun, Linlithgow, Carnegie, Tracquair, B. Dumblane, Secretar, Clerk Register, James Baillie.

Royal Letters 1623-33. Fol. 226, b.

Holyrood House, 29th January 1633.

Sederunt—Stratherne; Privy Seal; Linlithgow; Winton; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Carnegie; Tracquair; Secretary; Advocate.

Acta, June 1632-June 1634. Fol. 182, a.

Decision anent Nicolas Briot's proposal for amending the coinage postponed. See *ante*, p. 9.

"The whilk day the Lords of Secreit Counsell having read, heard and considderit the propositiouns made by Nicholas Briot for reforming the abuse of the course of forrane coyne with the answeres made thereto be the Burrowes and officers of the Coynehous, togidder with the overtures propouned be thame for rectifeing the abuse, and finding the bussines to be of great weight and hardlie upon the suddane to be resolved, they have thairfoir continewed this mater to ane further deliberatioun and required the Burrowes, who wer present, to give a sufficient procuratorie to the toun of Edinburgh to compeir before the Counsell and to conferre and treate with thame anent the money at suche tymes as they sall be callit."

Anent the provision for the Lady Lusse. See *ante*, p. 18.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Colquhoun of Balvie, brother to the Laird of Lusse, and Mr Johne Andersone, chamberlane to the Lady Lusse, unto whome the saids Lords made intimation of his Majesteis directioun for

1 ta. June 1632-June 1634. Fol. 182, a.

tryell of the Laird of Lusse his estait, and ordains thame to conveene the factors and chamberlans and to sett doun a perfyte rentall of the said estait, holding and burdeins thairof, and of the ladeis conjunct fee lands, and to report to the Counsell the first Counsell day of Marche nixt."

Fol. 182, b.

Sederunt—Stratherne; Winton; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Areskine; Carnegie; Secretary. Holyrood House, 31st January 1633.

Charge to all persons inhabiting his Majesty's palaces to remove from them in view of his Majesty's approaching visit.

"Forsameekle as it is verie necessar and expedient for the better accommodating and loodging of his Majestie and his tryne in his Majesteis awne houses of the castellis of Edinburgh and Stirline, and of his palaces of Linlithgow, Falkland and Dumfermeline and Halyrudhous that all persons who dwellis within the saids houses or possesses anie roumes or chambers within the same sall remove thame selffes, thair servants and goods, furth thairof and leave the same voide and red and delyver the keyes thairof to his Majesteis Thesaurar or Deputie Thesaurar, or to the Maisters of his Majesteis Warkes, to the intent that all the saids houses may be readie and patent to his Majesteis harbinger and that he may designe and appoint the same to suche of his Majesteis tryne as he sall thinke meit; thairfoir ordains letters to be direct charging all persons dwelling within anie of his Majesteis houses foresaids or who possesses anie chambers or roumes within the same to remove thame selffes, thair servants and goods furth thairof and leave the same voide and delyver the keyes thairof to his Majesteis said Thesaurar and Deputie Thesaurar, or to the Maisters of his Majesteis Workes, to the intent and purpose foresaid, within 48 houres after the charge under the pane of rebellioun, etc., and if they failyie to denunce, etc."

Anent the trial of Mr. George Nicoll. See *ante*, p. 8.

"The Lords of Secreit Counsell having read; heard and considderit the desire of the petitioun givin in be Mr Laurence M^c^Gill, Mr Robert M^c^Gill, Mr Thomas Nicolsone, younger, and Mr Johne Gilmour, advocats, procuratours constitute be the Lords of Counsell and Sessioun for the defence of Mr George Nicoll in his criminall tryell before his Majesteis Justice upon Fryday nixt, the first day of Februar, for the causes conteanit in the dittay givin in aganis the said Mr George thereanent, and the saids Lords being weill advised with the said petitioun and desire thairof, they find the same in the point underwrittin allanerlie to be reasonable, and conforme thereto the saids Lords ordains ane copie of the said dittay to be givin to the saids advocats the morne in judgement and frome thence furth ordains the provest and bailleis of Edinburgh and keeper of thair jayle to grant accesse within the said jayle to the said advocats to the intent they may conferre with the said Mr George anent his lawfull defences till Tuisday nixt, quhilk is the dyet of new appointed for his tryell, and if the saids advocats hes anie thing to propone to the saids Lords on the behalfe of the said Mr George quhilk requires the saids Lords thair advice and opinioun before the said Mr George be

Fol. 183, a.

entered upon pannell, the saids Lords ordains the saids advocats to give informatioun thairof to the Earl of Stratherne, Lord Cheefe Justice of this kingdome, betuix and Moonday nixt at night, to the intent he may conveene his Majesteis Counsell upon the morne thereafter at nyne of the clocke in the forenoone in the Exchecker hous for hearing of the saids advocats. Bot the saids Lords declares that they will not heare nor admitt anie thing to be propouned be thame upon thair awne behalfe for thair declyning to defend the said Mr George aganis the criminall persute foresaid." Acts, June 1632-June 1634. Fol. 183, a.

Letter from his Majesty commanding the release of Alaster Grant from his ward in the Tolbooth of Edinburgh.

"The whilk day the Lords of Secreit Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie and this day presentit unto thame, ordains and commands the provest and bailleis of Edinburgh to sett Alaster Grant, prisonner within thair tolbuith, to libertie and fredome furth of the same that he may repaire to the parts where he wes borne or ellis where for his dispatche of his lawfull effaires, notwithstanding his Majestie hes not as yitt grantit ane remissioun to him; commanding all and sindrie his Majesteis judges, officers and lieges that nane of thame presoome to trouble the said Alaster Grant for anie caus or occasioun bygane proceeding frome the grounds of his present imprissonment till his Majestie give warrand for that effect, quhairanent the extract of this present act sall be unto the saids provest and bailleis ane sufficient warrand. Followes his Majesteis missive for warrant of the act abonewrittin. CHARLES R. Right trustie and right weil-belovit cousine and counseller, right trustie and weilbelovit cousines and counsellers and right trustie and weilbelovit counsellers, we greit yow weill. Being pleased at this tyme upon some speciall considerations of our owne knowledge moving us hereunto to caus release Alaster Grant frome prisoun, we require yow (notwithstanding we have not granted unto him at this tyme a remissioun) to give order to the provost and bailleis of Edinburgh for setting him furthwith at free libertie that he may repaire to the parts where he wes borne and ellis where for dispatche of his lawfull effaires; giving order that nane presoome to trouble him for anie caus or occasioun bygane proceeding frome the grounds of his present imprissonment till there be a warrand frome us, for whiche these presents sall be your warrand. We bid yow farewell. Frome our Court at Whitehall, the fourth day of December, 1632." Fol. 183, b.

Caution by Alaster Grant that he will not molest John Grant of Ballindallach.

"The whilk day Alaster Grant, lait prisonner within the tolbuith of Edinburgh, being brought doun from the said tolbuith and exhibite before the Lords of Privie Counsell, he actit and obleist him selfe that Johne Grant, fear of Ballindallach, his wife, barnes, men, tennants and servants sall be harmelesse and skaithlesse in thair bodeis, lands, roumes, possessiouns, goods and geir, and in no wayes to be troubled nor molested therein be the said Alaster Grant nor no others of his causing, sending, hounding out, command, ressettt, assistance nor ratihabitioun whome he

Acts, June 1632-June 1634. Fol. 183, b.

may stop or latt directlie nor indirectlie in tyme comming, otherwayes nor be order of law and justice under the pane of fyve thowsand merkes."

"The Lords of Secreit Counsell gives and grants warrand and commissioun be thir presents to Johne, Lord Steuart of Tracquair, Deputie Thesaurar, and the Maisters of his Majesteis Warkes, or anie of thame, to repaire to suche of his Majesteis houses and palaces as his Majestie is to visite at his heerecomming to make a survey of the saids houses, and to consider what is fitting to be repaired and amended therein for his Majesteis better and more contented accommodation within the same." His Majesty's houses to be inspected.

Royal Letters, 1633-33. Fol. 227, a.

After our verie heartilie commendatiouns. Whereas amongs others preparations quhilks ar now in hands and must be tymously foreseene and in readinesse aganis the tyme of his Majesteis heerecoming that of the carrage is not the least bot doeth als neerelie concerne his Majesteis honnour and service and the credite of the countrie as any other service that will occurre in all his Majesteis progresse throughout the same, and quhairas this service cannot be weill done bot by the shires where his Majesteis progresse and journey will ly, as wes done when his Majesteis lait deir father of eternall memorie wes comming to this kingdome, we must thairfoir lay a part of this service upon yow; and for this effect these ar to requeist and desire yow to conveene the rest of your brethrein and justices of peace within that shire and to advise and resolve among your selffes how and in what maner his Majesteis carradge may be most formallie and orderlie caried fra Bervick to Dunglas for readie and thankefull payment, or if yow will follow the order prescryved be your selffes the tyme foresaid of his Majesteis darrest father his coming to this kingdome that accordinglie you will conveene the whole brethrein of the benshe to burgh and land within that shirefdome so soon as conveniently may be and make ane particular distributioun of the said shirefdome in parishes, appointing some of your nomber for everie parish, to try what nomber of cairts and hors for carradge every parish to burgh and land may furnishe for his Majesteis carrage upon his Majesteis expenssis, and that yow appoint a constable in everie parish who sallbe answerable that the cairts and hors for carradge designed to everie parish sall be in readines for his Majesteis service when ever they sall be advertised be the principall constable of the shire who sall have the charge of advertisement, and you sall appoint within that shirefdome twa constables who sall be answerable to the maisters of his Majesteis carradge that they sall caus the other constables appointed to everie parish to have the cairts and hors for carradge designed to the parish in readiness, and that they sall come and lift his Majesteis carradge at suche tymes and places as they sall be advertised and if yow find anie other course more meit and fitt to be followed for the furtherance of this great service nor this, you sall sett doun your judgment and opinioun thereanent

Holyrood House, 31st January 1633. Letter to the justices of peace anent provision for the conveyance of his Majesty's baggage.

in writ and report the same to his Majesteis Counsell upon the xiiij day of Marche nixt; whiche recommending to your care and diligence as a peece of service highlie importing the credite of the countrie we committ yow to God. Frome Halyrudhous, the last day of Januar, 1633. *Subscribitur*, Stratherne, Hadintoun, Wintoun, B. Yles, Arch. Achesoun.

Holyrood House, 5th February 1633.

Sederunt—Stratherne; Mar; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Lord Carnegie; Lord Melvill; Lord Tracquair; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 183, b.

Caution by John Gordon of Shiells for Thomas Gordon, brother to James Gordon of Letterfourie.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Gordoun of Sheillis and become actit and obleist as cautioner and souertie for Thomas Gordoun, brother to James Gordon of Letterfoure, that the said Thomas sall ather depart furth of his Majesteis dominiouns betuix and the last day of Aprile nixtocome or otherwayes that he sall resort to the parish kirk and heare sermoun and Fol. 184, a. that he sall behave himself modestlie without giving of offence or scandall to the Kirk; and that he sall not ressett nor intercommoun with Jesuits, seminarie nor messe preists, and that betuix and the said day he sall report ane certificat frome the bishop of his diocie of his conformitie in the premisses under the pane of ane thowsand merkes in caise he failyie in anie point thairof. And the said Thomas, being personallie present, actit and obleist him to releeve his cautioner of the premisses and of all pane and danger he may incurre thairthrow."

Warrant for delivery of the crown, sceptre and sword to the Deputy Treasurer for inspection.

"Forsameekle as the Lords of Secreit Counsell find it meit and expedient that all things requisite and necessar for the solemnitie of his Majesteis coronatioun sall be tymouslie foreseene and provydit, and in speciall that his Majesteis crowne, scepter and sword, quhilks ar the honnours of that great and royall actioun, sall be sighted and that what is deficient and wanting therein sall be helped; thairfoir the saids Lords ordains and commands the captane, constable and keepers of the castell of Edinburgh, to whois credite and trust the keeping of these honnours is committed, to delyver the same to Johne, Lord Steuart of Tracquair, Deputie Thesaurar, to the intent that he may give order and directioun for helping and repairing of what sall be found be the saids Lords to be defective and wanting therein; anent the delyverie of the quhilk honnours this present act, with a note of the said Deputie Thesaurar under his hand upon the recept of the same, sall be unto the said captane, constable and keepers of the foresaid castell of Edinburgh a sufficient warrand."

The Castle of Edinburgh.

"Ane Act anent the repairing and helping of some things deficient and wanting in the castell of Edinburgh." Sederunts, November 1629-January 1635. Fol. 99, b.

Holyrood House, 7th February 1633.

Sederunt—Stratherne; Privy Seal; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Tracquair; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 184, a.

Acta, June 1632-June 1634. Fol. 184, a. "Anent the supplicatioun presentit to the Lords of Secreit Counsell be the provest, bailleis and counsell of the burgh of Aberdein, makand mentioun, that where they having takin to thair consideratioun the great necessitie wherein thair toun stood throw want of pure and cleane water and how that the water wherewith thair toun wes served come frome ane little loche at the side of thair toun, whilk is so filthie, defyled and corrupted not onelie by gutters daylie running in the loches bot alsua by the litsters who washe all thair cloathes in the said loche and by the nighbours of the toun who washe all thair clothes there; and suche of the nighbours as dwell ewest to the loche they cast all thair filth and excrements in the same, so as the water comming therefra to the said toun is so corrupted and unsavourie in the taste and of suche ane greene and uncomelie collour as nather the nighbours of the toun nor strangers reparing thereto can make use of the said water. And the saids supplicants being carefull in imitatioun of others parts and in speciall of thair nighbour countrie where great care is tane for preserving of thair water to provide a remeid for the serving and furnishing of thair toune with pure and cleane water, they concluded and fand it meit and expedient with uniforme voice that ane draught should be drawin frome a spring within a myle of thair toun by the quhilk the water sould be drawin fra that spring to thair toun, and that some fountanes sould be erected in the most convenient parts of thair toun for that effect. And becaus this worke could not be brought to perfectioun bot upon the commoun charges of the toun, the supplicants thairfoir warned the haill nighbours of thair toun be towcke of drwm to conveene with thame upon the fourteene day of September last for giving of thair advice anent this worthie and commendable worke and there consent to ane taxatioun to be imposed upon thair toun for that effect. And according to this appointment the haill communitie of thair toun, both gild brether and craftsmen having conveenned in thair tolbuith upon the 19 day of September last, and the overtour and propositioun foresaid and the expediencie and necessitie thairof for the furnishing and serving of the said toun with pure and cleane water and the erecting of fountanes for that effect being intimat and shawin to thame, the haill bodie of the said toun all in one voice agreed upon the expediencie and necessitie of the said worke and the erecting of fountanes to that effect, and all the gild brether consented to be stented for defraying of the charges of that worke. And when as the deacoun conveenner of the crafts his consent to the stenting wes craved for himselfe and in name of the remanent crafts of the toun, he for himselfe and in name of the haill bodie of the crafts, acknowledging the necessitie of the bringing of water and erecting of fountanes to that effect, consented to contribute and to be stented with the rest of the nighbours of the toun toward the maintenance and uphalding of the water draught and fountanes to be erected, as said is; bot they made some scruple to be stented in anie soumes of money for

Fol. 184, b.

Fol. 185, a.

Supplication by the magistrates of Aberdeen that the brethren of the guild of the said burgh may be compelled to contribute to the cost of supplying the said burgh with fresh water.

bringing the worke to perfectioun, bot offered a certane soume of money to that effect provyding that they wer free of the taxatioun. And upon this little difference betuix the crafts and gild brether this important worke, tending so farre to the weale of the said toun and preserving of the health as weill of strangers repairing thereto as of the proper inhabitants of the same, is lyke to be frustrat, to the disgrace of the said toun and to the heavie greefe of the weill disposed citicens thairof. And the gild brether, upon whome the most part of the burdein of this worke will ly, refuises in anie caise to be stented unlesse the commoun and observed custome in maters of this kynde be observed, and that the haill inhabitants of the said burgh als weill gild brether as crafts be stented; quherein they respect not so muche the payment of the soume, quhilk they will freelie and willinglie underly, as the preparative quhilk the refuisall of the crafts may produce in maters of this kynde heerafter. And whereas this oppositioun and contradictioun made be the crafts being trewlie considderit as ane mater of no moment and aucht not to be respected in so important a caus as this, seing thair part of anie stent to be imposed upon the said burgh will onelie extend to the aucht part, being sett and collected at the greatest rigour, and the portioun of the gild brether will extend to sevin parts of aucht, and the stent to be imposed upon the crafts being considderit with thair offer there will not pas three hundreth pounds in difference betweene thair offer and the stent quhilk is a mater of no moment and not worthie to be respected in suche a commoun caus so neerelie importing the weale and credite of the said toun:—Humbelie desyring thairfoir the saids Lords that the saids supplicants may have commissioun and warrand be act of Counsell in maner and to the effect underwrittin, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords and they being therewith and with the two acts of the counsell of the said burgh of Aberdein conteaning thair proceedings in this mater weill and throughlie advised, and finding this worke neerlie to concerne the weale and credite of the said toun, thairfoir the saids Lords hes givin and grantit, and be thir presents gives and grants, warrand and commissioun to the saids supplicants to sett doune ane certane soume of money toward the forderance and advancement of the worke foresaid to be paid be the haill nighbours and inhabitants of the said toun, and to nominat and appoint certane stenters to stent thair nighbours, and the said stent being sett doun, ordains letters to be direct charging the persouns stented to make payment of that soume that they and ilk ane of thame sall be stented to to the collectours to be nominat and appointed be the saids provest, bailleis and counsell of Aberdein to that effect within three dayes after the charge, under the pane of rebellioun, etc., and if they failyie to denunce, etc.; and if neid beis to poynd and distreinzie; with power lykewayes to the said provest, bailleis and counsell of Aberdein to commit to waird suche of

Acta, June 1632–June 1634. Fol. 185, a.

Fol. 185, b.

Acta, June 1632-June 1634. Fol. 185, b.

the persons stented as refuise to make payment of thair stent to the saids collectours, as said is, to remane therein upon thair awne expenses till they make payment of thair said stent."

Warrant for repairing the Castle of Edinburgh.

"Forsameekle as at ane lait visitatioun of the Castell of Edinburgh be some of his Majesteis Counsell it wes found that sindrie parts within the said castell needs to be helped and repaired, both for the credite of the countrie and for his Majesteis more contented receptioun and loodging within the said castell; thairfoir the Lords of Secreit Counsell ordains and commands the Maisters of his Majesteis Warkes to sett too warkemen with all convenient diligence for reparing, helping and mending of suche things as ar necessar to be helped and mended within the said castell, and that they begin at these quhilks ar most necessar to be repaired and may not suffer delay and so goe on with the rest as the tyme and necessitie sall require, letting his Majesteis Thesaurar or Deputie Thesaurar know from tyme to tyme the course and progresse of thair proceidings and at what workes they begin, quhereanent this act sall be unto the saids maisters of worke ane warrand."

The proclamations made at the time of the visit of James VI. to be renewed.

"The Lords of Secreit Counsell ordains the haill proclamatiouns made the tyme of King James the Saxt of blessed memory his comming to this kingdome to be renewed according as the saids Lords sall give order."

Sederunts, November 1629-January 1635. Fol. 99, b.

The sheriff-courts of Lanark.

"A letter frome his Majestie for continewing the keeping of the shireff courts of Lanerk in the same place quhair they wer accustomed to be haldin till his Majesteis heerecomming or that his Majestie signifie his pleasure heereanent."

Acta, June 1632-June 1634. Fol. 186, a.

Sederunt—Stratherne; Privy Seal; Wintoun; Wigtoun; Bishop of Dumblane; Areskine; Iles; Secretary; Advocate.

Holyrood House, 12th February 1633.

Warrant from his Majesty for the apprehension of Robert Tough, an escaped prisoner.

"Forsameekle as one Robert Tough of Dysert, being of lait prisoner in the Poultry of London for certane soumes of money dew by him, did under pretence to use his meanes to pay his creditours intreate Johne Atkinsone, doore keeper of the said prison, to goe abroade with him to that effect, as is ordinarlie accustomed there, bot having escaped and ran away frome his keeper to this kingdome to shelter himselfe heir frome the dew course of justice, whereby he is lyke to undoe his keeper in being made lyable by his escape to pay the debt, and defraud his creditours of what is justlie dew unto him [*sic*]; whiche being contrarie to the dew course of justice which mutuallie ought to be keeped amongst all his Majesteis loving subjects and ane act in him worthie of censure and punishement, thairfoir the Lords of Secreit Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie and this day exhibite unto thame, ordains letters to be direct to messingers of armes charging thame to pas, searche, seeke and take the said Robert Tough where ever he can be apprehendit, and to bring, present and exhibite him before his Majesteis Counsell to be tane order with as his

Majestie hes directed; commanding heirby all and sindrie shireffs, stewarts, provests and bailleis of burrowes to concurre, fortifie and assist the saids messingers in the taking, convoy and exhibitioun of the said Robert before his Majesteis Counsell; with power to saids messingers to arreist the said Robert his ship and all others goods knowne to belong unto him to remaine under arreistment till he satisfie his creditour of what is dew unto him and of all other charges occasiouned by his escape; and if neid beis to take the sailes frome the raes of the said ship quhairthrow she depart not. Followes his Majesteis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Being informed by Johne Aitkinsone, doorekeeper of the prison in the Powtrie in Londoun, that one Robert Tough of Dysert, being of late prisoner in the said prison, for certane soumes of money dew by him, did under pretence to use his meanes to pay his creditours intreate the said Aitkinsone, his keeper, to goe abroad with him to that effect, as is ordinarlie accustomed heir; bot having escaped and run away frome him to that our kingdome to shelter himselfe there frome the dew course of justice, quhereby he is lyke to undoe his keeper in being made lyable to [*sic*] his escape to pay the debt and defraude his creditour heir of what is justlie dew unto him, this being contrarie to the dew course of justice quhilk mutuallie ought to be keeped among all our loving subjects, and ane act in him worthie of censure and punishement, our pleasure is that with all possible diligence yow give order for arreisting of his shippe and all others goods knowne to belong unto him that they may be furth with comming for the payment of his creditours of what is dew unto him and of all other charges occasiouned by his escape; otherwayes that yow caus apprehend him if he can be found there and keepe him in closse prison till he satisfie the parteis according to justice; and to that purpose that yow give suche order as yow sall thinke fitt; whiche recommending to your speciall care, we bid yow farewell. Frome our Court at Whitehall, the 18 day of Januarie, 1633."

Acta, June 1632-June 1634. Fol. 186, a.

Fol. 186, b.

Holyrood House, 14th February 1633.

Sederunt—Stratherne; Privy Seal; Wintoun; Areskine; Bishop of Dumblane; Bishop of the Yles; Advocate.

Warrant from his Majesty for preventing fishing on Sundays.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R.—Right trustie and right weilbeloved cousine and counsellour, right trustie and weilbelovit cousines and counsellours and trustie and weilbelovit counsellours, we greit you weill. Being informed of a barbarous custome used by some persons in fishing of salmond and other fishes upon the Sonday and in tyme of divine service and adminis-

Acta, June 1632-June 1634. Fol. 187, a.

tration of the sacraments contrarie to ane ancient and laudable custome, that none did fish from the setting of the sunne upon the Saturday at night till the nixt Moonday morning at the rysing thairof, we have thought fitt to recommend unto yow the rectifeing of that abuse; and to that effect that yow give warrand to our shireffs where the abuse is committed and to others our officers and subjects whom yow sall thinke most fitt to appoint to see your order tuicheing the same putt in execution according to the maner to be prescribed by yow. We bid yow farewell. Frome our Court at Whitehall, 13 of Aprile, 1632. Quhilk missive being heard and considerit be the saids Lords they ordaine the same to be insert and registrat in the bookes of Privie Counsell, and continewes the making of the proclamatioun till the first Counsell day of Marche nixt."

Sederunt—Stratherne; Privy Seal; Bishop of Dumblane; Bishop of the Yles; Lord Melville; Secretary; Advocate. Holyrood House, 19th February 1633.

Charge to the Marquis of Huntly to send Ralph Rayling, a carver, for employment in his Majesty's service.

"Forsameekle as George, Marques of Huntlie, being writtin unto be direction of his Majesteis Counsell to have sent Raufe Rayling, an English carver, being in his companie and service to the intent he might have beene imployed in some service in his Majesteis workes quhilks ar now in hands for his Majesteis more contented receptioun in this kingdome the said Marqueis hes slighted the directioun sent unto him and hes not sent the said Ruufer heere, so as that part of service quhilk wes to have beene committed to the said Raufe is lyke to be shaikin louse and disappointed; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Marqueis of Huntlie to send over and exhibite the said Raufe before the saids Lords upon the day of to the intent he may be imployed in suche of his Majesteis warkes as he sall be directed be the maisters of his Majesteis warkes under the pane of rebellioun, etc., with certificatioun, etc."

Charge to Commissioners of Teinds to be present at the meeting of the Commission in the ensuing March.

"Forsameekle as in the course and order prescryved and sett doun for the monethlie attendance of the commissioners for the teinds upon the charge concredite unto thame, Johne, Erle of Wigtoun; Alexander, Erle of Linlithgow; Patrik, Bishop of Aberdein; Androw, Bishop of Argyle; and Adame, Bishop of Dumblane, wer appointed to attend for the moneth of Marche nixt, whilk moneth being now approacheing, necessar it is for the forderance of that service, quhilk hes had so manie delayes and continuatiouns, that the commissioners foresaid give thair attendance preceislie whairthrow this service be not longer delayed nor hindered,
Fol. 187, b. thairfoir ordains letters to be direct charging the commissioners particularlie abonewrittin to attend and await upon the said commissioun during the moneth of Marche nixt and not to absent thameselffes therefra without a seene caus to be allowed be the commissioun under the pane of rebellioun, etc., with certificatioun, etc."

Supplication by Mr. George Nicoll, now in the Tolbooth of Edinburgh, that he may have the use of pen, ink and paper, and that certain documents may be restored to him.

"Anent the applicatioun presented to the Lords of Secreit Counsell be Acta, June 1632-June 1634. Fol. 187, b. Mr George Nicoll, makand mentioun that where there hes beene at diverse tymes supplications givin in to the saids Lords by the said supplicant and his advocats in his name for restitutioun to him of certane papers whiche wer takin frome him since his committment within the tolbuith of Edinburgh, and for licence to have paper, pen and inke beside him to write privatlie at all occasiouns all suche informatiouns for his defence in that criminall persute moved aganis him as sould happilie occurre in his mynde, that he might give the same to his advocats when they can convenientlie repaire to him to that effect, of the whiche supplication he hes never as yitt gottin anie answer fra the saids Lords albeit that the desire of the same is most reasonable, in respect that the foresaids papers will furnishe unto him defences in the foresaid criminall persute as may appear by the onelie titles and names of these heid papers, viz., One of the saids papers being the copie of his relatioun whiche wes givin to his Majestie; another of thame the copie of the estimat whiche wes lykewayes givin to his Majestie; the third of thame being ane citatioun of the particular records for the proofe of his said relatioun; the fourt of these said papers being ane certificat sealed and subscryved be Captane Alexander Mure and twa witnessis of his Majesteis directions givin to the supplicant by the said Captane Moore for wryting and delyverie of the said relatioun; the fyft of these saids papers being ane discoverie of his Majesteis title to the Lewes; the saxt being ane overture for the improvement of Orkney and Zetland; the sevint of thame being ane litle paper conteaning some particular memorandums concerning the saids relatiouns, and the eight of these saids papers writtin on ane whole scheit of paper and another halfe scheit of paper being ane scroll of the questions and objectiouns maid unto the supplicant before the Kings Majestie with his severall answers thereunto, togidder with some particular defences tuicheing the said criminall persute forethought on be himselfe. Lykeas after all these saids papers wer takin frome the supplicant be Androw Whyte, he being callit into the lower Counsel hous before the right honourable the Erles Fol. 188, a. of Stratherne and Linlithgow, the Lord Clerk Register, Advocat and Justice Depute, the said Erle of Stratherne promitted upon the nyntene day of Januar last that all the foresaids papers sould be delyvered to the said supplicant before anie reale proceiding sould be used aganis him. Humbelie desyring thairfoir the saids Lords that they would be pleased to give order for the present delyverie unto the supplicant of all the saids papers whilk wer violentlie takin frome him be the said Androw Whyte, or otherwayes that the samine be deposited in the hands of the clerkes of Privie Counsell, and that he may have the authentick doubles thairof subscryved with the said clerkes hands and also that he may have the libertie of paper, pen and inke beside him for the effects foresaids, lykeas at mair lenthe is conteanit in the said supplicatioun. Quhilk

Acta, June 1632-June 1634. Fol. 188, a.

being read in audience of the saids Lords, Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, tooke instruments upon the giving in of this petitioun and of the particular writts therein mentiouned, whilks wer the writts takin frome the said Mr George Nicoll be Androw Quhyte, and that there was no other writts takin frome him."

Caution by James Sinclair and James Strudgeon for John Sinclair.

"The whilk day James Sinclair and James Strudgeoun, dagmakers in the Cannogait, compeirand personallie before the Lords of Secreit Counsell, become actit and obleist conjunctlie and severallie as cautioners and souerteis for Johne Sinclar, ane of the servants of the Cunziehous, that he sall compeir before the saids Lords upon Thursday nixt and ofter as he sall be required to answer tuicheing the counterfooting of the copper coyne, under the pane of ane hundreth punds."

John Greig.

"The Lords of Secreit Counsell ordains Mudie, cautioner for Johne Greg, ane of the persouns challenged for the copper coyne, to exhibite the said Johne before the saids Lords upon Thursday nixt to answer upon the counterfooting of the copper coyne."

Fol. 189, b.

Holyrood House, 21st February 1633.

Sederunt—Stratherne; Privy Seal; Bishop of Dumblane; Bishop of the Yles; Areskine; Melvill; Tracquair; Secretary; Advocate; Sir James Baillie.

Charge to the possessors of hay and straw to appear before appointed officials who are to purchase the said hay and straw for his Majesty's use.

"Forsameekle as there is a great necessitie that sufficient provisioun be made of stray and hay for furnishing of his Majesteis awne equerie and the hors of his tryne and followers the tyme of his Majesteis comming and remaining in this kingdome, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging officers of arms to pas, fence and arreist the haill strae and hay within the shirefdomes of Linlithgow, Stirline and Clackmannan and suche parts thairof as ar ewest to his Majesteis castell of Stirline and palace of Linlithgow and within the regalitie of Dumfermline and the north side of Forth and suche parts of the shirefdome of Fife as ar ewest to his Majesteis palaces of Dumfermline and Falkland, to remaine under arreistment unintrometted with or putt away in haill or in part, bot to be keeped and preserved for the use of his Majestie and his tryne and followers; and to command and charge the awners and possessours of the said strae and hay to make thair addresse to the persons following who will attend thame in the bounds underwrittin upon the dayes after specifeit, that is to say, those within the shirefdomes of Linlithgow, Stirline and Clackmannan, to Robert Rollock, servitour to the Erle of Mar, and David Balfour of Balloch, or anie of thame, who will attend thame at the burgh of Linlithgow upon the day of for these within the shirefdome of Linlithgow and at the burgh of Stirline for these within the shirefdome of Stirline and Clackmannan; and these within the shirefdome of Fyfe ewest to the regalitie of Dumfermeline to the Laird of Pitfirrane, Mr Thomas Wardlaw and the said David Balfoure, or anie twa of thame, who

will attend thame at the burgh of Dumfermeline upon the day of ; and these within the shirefdome of Fife ewest to the palace of Falkland to make thair addresse to James Kynninmonth, Chamberlane of Fyfe, and to the said David Balfoure, who will attend thame at the burgh of Falkland upon the day of ; and at thair meetings at the places respective foresaids that they agree with the persons foresaids who ar appointed to attend thame as said is upon the price of thair said hay and strae, and according to the said agreement they sall receave tymous and thankefull payment; and that the awners and possessours of the said hay and strae keepe the dyets foresaids in the places respective abonewrittin assigned unto thame and there attend the persons foresaids who ar to agree with thame in maner foresaid under the pane of rebellioun, etc., with certificatioun, etc." Acta, June 1632-June 1634. Fol. 188, b. Fol. 189, a.

Charges to the Bishop of Dunblane and other bishops to attend the Commission for the Surrenders in the ensuing March.

"Forsameekle as the progresse of the Commissioun for the Surrenders in this approacheing moneth of Marche is lyke to be frustrat and hindered by the absence of some of the clergie who wer entrusted to attend that service, whilk will not onelie be offensive to his Majestie, bot hurtfull to manie of the subjects who look for ane outred and dispatche of thair bussines in that moneth; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging Alexander, Bishop of Dunkelden; Androw, Bishop of Argyle; and Johne, Bishop of Caithnes, to make thair addresse to the burgh of Edinburgh in dew and lawfull tyme aganis the first day of Marche nixt and to attend the said commissioun during that whole moneth, under the pane of rebellioun, etc,, with certificatioun, etc."

Proclamation to be made for a meeting of the Commission for the revision of the laws.

"Forsameekle as the Lords of Secreit Counsell hes appointed and be the tennour heirof appoints the sevint day of Marche nixt for a meiting of the whole commissioners nominat be the King's Majestie for revising of the lawes at the Counselhous in Halyrudhous at twa of the clocke in the afternoone towards the taking of some solide course for bringing of that worke to some good perfectioun, thairfoir ordains ane maisser or officer of armes to pas to the mercat croce of Edinburgh and there be opin proclamatioun to make publicatioun and intimatioun heirof quhairthrow nane of the saids commissioners pretend ignorance and to warne all the saids commissioners to attend and await the said dyet for the cause foresaid, with intimatioun as effeirs."

Commission appointed anent the copper coin.

"The Lords of Secreit Counsell gives and grants warrand and commission to Adame, Bishop of Dumblane, Sir Archibald Achesone, Secretar, Sir Thomas Hope, Advocat, and the Justice Deputs to examine the persons challenged for the copper coyne; and ordains the officers of the Cunziehous to give in interrogators whereupon they ar to be examined."

Holyrood House, 23rd February 1633. Letter to the Commissioners for the revision of the laws requiring

"After our verie heartilie commendatiouns to your good lordship. Whereas the sevint day of Marche nixt is appointed be his Majesties Counsell for ane meiting of the whole commissioners nominat be the Kings Majestie for revising of the lawes, to be heere at Halyrudhous at twa of the clocke in the afternoone, to the effect some solide course may Royal Letters, 1623-33. Fol. 227, b.

Royal Letters, 1633-33. Fo. 227, b.

than be tane for bringing that worke to ane perfectioun quhilks his Majestie hes so earnestlie recommendit to the saids commissioners, of whome your lordship being one, these ar thairfoir to requeist and desire yow, all excuisses sett aside, to keepe the said dyet preceislie. Quhilk looking assuredlie your lordship will doe, we committ your lordship to God. Frome Halyrudhous, the 23 day of Februar, 1633. *Subscribitur*, Stratherne, Hadinton, Areskine.

their attendance at the meeting of the Commission.

A to June 1632-June 1634. Fo. 189, b.

Sederunt—Stratherne; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Secretary; Advocate.

Holyrood House, 26th February 1633.

"The Lords of Secreit Counsell in respect of the deceasse of James Sinclar of Murkill, lait shireff of Caithnes, ordains a new commissioun of shirefship to be past and exped under the great seale to Sir James Sinclare, his sonne; and that ane commissioun be givin to the Erle of Seafort, the Bishops of Ros and Murray, or anie of thame, to take his oath."

Sir James Sinclair of Murkill appointed Sheriff of Caithness in succession to his father.

Sederunts, November 1632-January 1633. Fo. 99, b.

"Missives to the cheefe ylanders to be heere at his Majesteis coming to this kingdome in thair best order."

The Islanders and the King's visit.

"The Lords assignes to the Lord Areskine Thursday nixt to report his diligence anent the electioun of commissioners to the Parliament."

Commissioners for the Parliament.

A to June 1632-June 1634. Fo. 189, b.

Sederunt—Stratherne; Wigtoun; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Lorne; Lord Areskine; Lord Melvill; Tracquair; Secretary; Advocate.

Holyrood House, 28th February 1633.

"Forsameekle as amongs the manie preparations quhilk must be tymouslie foreseene and in readines again the tyme of his Majesteis comming to this kingdome that of his Majesteis carrage is not the least, bot doeth als neerelie concerne his Majesteis honnour and service and credite of the countrie as anie other service that will occurre in all his Majesteis progresse throughout this countrie; and whereas this service cannot be done bot be the helpe of the inhabitants of the shirefdomes through quhilks his Majesteis progresse will ly and of the nixt adjacent parts, as wes done the tyme of his Majesteis latte deir fathers comming to this kingdome, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the shireffs of Beruick and Roxburgh for the east part of Tiviotdaill, and baillie of Lauderdaill, the shireffs of Hadinton, Edinburgh, Linlithgow, Stirline, Clackmannan, Fyfe, Perth, and thair deputs, and the conveenners of the Justices of Peace within the saids shirefdomes, that they and everie ane of thame within thair awne bounds and offices respective conveene the barons and landed gentlemen within thair bounds with all convenient diligence and at thair meiting that they resolve and conclude upon some certane,

Charge to sheriffs and magistrates anent the transportation of his Majesty's baggage.

solide and sure course how his Majesteis carrage may be caried through thair bounds upon his Majesteis charges and expenses; and for this effect that they make a particular distributioun of the saids shirefdomes in parishes, appointing some of thair nomber for everie parish to try what nomber of cairts and hors for carrage everie parish may furnishe, and that they appoint a constable for everie parish who sall be answerable that cairts and horses for carrage designed to everie parish sall be in readines for his Majesteis service as they sall be directed and adverteist; and siclyke that they nominat and appoint twa other constables for everie parish who sall have the charge to advertise the constable of the parish to have the cairts and horses for carrage in readines at the tymes to be appointed; and lykewayes that they appoint twa constables for eache shirefdome who sall be answerable to the Maisters of his Majesteis carrage that they sall caus the other constables appointed in everie parish have the horses and cairts for carrage designed to the parish in readines to come and lift his Majesteis carrage at suche tymes and places as they sall be adverteist and that the saids shireffs, baillie and conveenners of the Justices of Peace compeir personallie before the saids Lords upon the day of Marche nixt and make ane perfyte report in writt of thair proceidings in this bussines, under the pane of rebellioun, etc., with certificatioun, etc. Acta, June 1632-June 1634. Fol. 189, b. Fol. 190, a.

Anent the providing of accommodation for his Majesty's train in the Canongate.

"Forsameekle as the Lords of Secreit Counsell are informed that the whole or most part of the loodgings and stables within the Cannogait ar alreadie tane up be some persons of this kingdome so that suche of his Majesteis tryne and followers as necessarlie must be lodged neere his Majesteis persoun during his abode at Halyrudhous will not be commodiouslie accommodat in loodgings and stables within the said Cannogait, bot will be constrained to seeke thair loodgings in remote and farre places from his Majesteis hous and palace, to the disappointing and neglecting of his Majesteis service; whilk will not onelie be offensive to his Majestie, bot will be a great discredite to the countrie that his Majesteis proper domesticks, who must necessarilie attend his royall persoun, sall be disappointed of thair loodgings; thairfoir the Lords of Secreit Counsell hes thought meit heirby to intimat and declare that all these who hes tane or myndes to take loodgings and stables in the Cannogait that they will be frustrat and disappointed of thair intents and that all the saids loodgings and stables will be tane up and marked for his Majesteis owne tryne and followers be his Majesteis harbingers at thair heerecomming, and ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croce of Edinburgh and the Cannogait, and to warne all persons who hes tane or myndes to take loodgings and stables in the Cannogait that they provide thame selffes of loodgings and stables [elliswhere], otherwayes assuring thame that they will be disappointed, and that the saids loodgings and stables will be tane up and marked for his Majesteis tryne and followers." Fol. 190, b.

Acta, June 1632-June 1634. Fol. 190, b.

"Forsameekle as there is great appearance of new delay and hinder in the progresse of the commissioun for the teinds by the absence of some of the clergie who wer nominat to attend that service; and whereas the Bishop of Brechin hes beene long spared and that without his presence that service is lyke to be cassin louse; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Bishop of Brechin to come and make his addresse heere to attend the said commissioun till Wednisday nixt, the saxt day of Marche, provided to attend for that moneth, under the pane of rebellioun, etc., with certificatioun, etc." Letters to be addressed to the Bishop of Brechin requiring him to attend the meeting of the Commission for the Surrenders.

"Forsameekle as Sir James Sinclar of Murkhill is nominat to be shireff principall of the shirefdome of Caithnes for the yeere to come, and whereas it is necessar that he give his oath for faithfull administratioun of that service; and the saids Lords being unwilling to draw the said Sir James to unnecessar travellis and charges in appearing before thame to give his said oath, thairfor the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to Patrik, now Archbishop of Glasgow, Coline, Erle of Seafort, and Johne, Bishop of Murrey, or anie one of thame, to take the said Sir James his oath for faithfull discharge of the office of shirefship within the bounds foresaids, and to make ane formall report theirof in writt to the saids Lords, to the effect the same may be recorded and registrat in the bookes of Privie Counsell, whereanent thir presents sall be to thame ane warrand." Commission appointed to receive the oath of Sir James Sinclair of Murkill as Sheriff of Caithness.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Johne Hamiltoun of Trabroun, knight, and promeist upon his honnour and credite that he sall never invade, trouble nor persew Mr Thomas Forrester, minister at Melros, directlie nor indirectlie for his bodelie harme at anie tyme heerafter." Promise by Sir John Hamilton of Trabroun not to molest Mr. Thomas Forrester, minister at Melrose.

Fol. 191, a.

"Forsameekle as the great worke of the valuatiouns quhilk his Majestie cheefelie intendit for the weale of the Kirk and ease of his subjects in the mater of thair teinds, and wherein so muche tyme and so great charges hes beene spent thir diverse yeeres bygane, hes not had suche ane progresse as his Majesteis earnest affectioun and the importance of so great a bussines required; and in manie presbytereis where the valuatiouns ar closed there is no report made of the same to the great commissioun, bot the valuations ar holdin up outher be the coosenage of the clerkes to the subcommissioners or ellis upon some neglect of the subcommissioners thame selffes, whairthrow his Majesteis service is ludified and his subjects greeved with long and fruictlesse attendance, to his Majesteis high offence and contempt of his royall auctorite. And thairfor the Lords of Secreit Counsell ordains letters to be direct charging the conveenners of the subcommissioners throughout the severall presbytereis of this kingdome and their clerkes to bring, report and exhibite unto the saids Lords thair valuatiouns in dew and competent forme where they ar alreadie exped, to the intent the saids Lords may delyver Letters to be directed to the conveners of the sub-commissioners for the Surrenders charging them to give in their reports of the valuations.

thame to the Lords and others of the great commissioun to be seene and considerit be thame within ten dayes nixt after the saids conveenners and clerkes beis charged thereto under the pane of rebellioun, etc., with certificatioun to thame that failyeis, the saids ten dayes being bypast, that letters sall be direct simpliciter to putt thame to the horne and to escheit." Acta, June 1632-June 1634. Fol. 191, a.

Holyrood House, 28th February 1633. Letter of Council to the Laird of Murkill anent his sheriffship, and requiring him to convene the lesser barons and freeholders for the election of two commissioners for the ensuing Parliament.

"After our verie heartilie commendatiouns. We have heerewith sent unto yow ane commissioun of shirefship within the bounds of the shirefdome of Caithnes not doubting bot yow will be carefull to approve yourselfe worthie of that trust concredite by us unto yow in the faithfull administratioun of that office. And because yow must give your oath for faithfull executioun of that office, and we being unwilling to putt yow unto unnecessar travells and charges in appearing before us for that purpose, we have thairfoir exped ane commissioun to the sometyme Bishop of Ros, now Archbishop of Glasgow, the Erle of Seafort and the Bishop of Murrey, or anie one of thame, to take your oath for the dewtifull discharging of that office, quhilk commissioun we have lykewayes heerewith sent unto yow. And thairfoir these ar to requeist and desire yow to make your addresse heere to the saids commisioners or anie of thame ewest unto yow, and show thame the twa commissions foresaids and accordinglie give your oath unto thame or any of thame for the faithfull administratioun of the said office of shirefship, and immediatelie thereafter that yow caus conveene the small barons and freehalders within the said shirefdome to make choise of twa of the specialls of thair nomber to be commissioners for that shirefdome for the ensewing Parliament and all other generall conventiouns for this yeere, and that yow report the commissioun of thair nominatioun and electioun subscryved and sealed conforme to the Act of Parliament to us with all convenient diligence, as yow respect the forderance and advancement of his Majesteis service. Quhilk looking assuredlie yow will doe, we committ yow to God. Frome Halyrudhous, the last day of Februar, 1633. *Subscribitur*, Stratherne, Wigtoun, Lauderdaill, Lorne, Areskine, Melvill, Arch. Achesoun." Royal Letters, 1623-33. Fol. 227, b.

Holyrood House, 28th February 1633. Letter of Council to the Islanders requiring their presence in Edinburgh at his Majesty's visit.

"After our verie heartilie commendatiouns. Whereas the Kings Majestie continewes constant in his resolutioun to honnour this his ancient kingdome with his royall presence this approacheing sommer and out of his princelie and tender regarde to the credite of this countrie being carefull that the noblemen and others of the kingdome of England who ar to accompanie his Majestie heere may see ane perfyte and full obedience and ane loyall and dewtifull affectioun in all the subjects of this kingdome to his Majesteis service, and that no part nor corner of this kingdome is dissobedient, it is thairfoir verie requisite and expedient that the principalls and chiftans of the clans in the Yles sall be heere in the beginning of the moneth of Junij nixt to the intent his Majestie may conferre with thame in maters concerning the Yles and accordinglie may have occasioun to remember and acknowledge thair obedience as the occasioun of thair adoes sall be presented, and that the strangers who ar to Fol. 228, a.

Royal Letters, 1623-33. Fol. 228. a.

accompanie his Majestie may see that the most remote part of this kingdome and Yles thairof ar sattled under ane perfyte obedience and peace. And thairfoir these ar to requeist and desire yow to make your addresse heere againe the tyme foresaid of the approacheing moneth of Junij, quhilk will be but ane little anticipatioun of the ordinar dyet of your compeirance upon the tent of July, and we hope that by his Majesteis gracious and favourable acceptance of yow yow sall find your journey weill and worthilie bestowed. And so looking for your precise keeping of this dyet we committ yow to God. Frome Halyrudhous, the last day of Februar, 1633, *Subscribitur*, Stratherne, Wigtoun, Lauderdaill, Melvill, Lorne, Areskine, Arch. Achesoun."

Acta. June 1632-June 1634. Fol. 191, a

Sederunt—Stratherne; Murrey; Wintoun; Wigtoun; Bishop of Dumblane; Lord Lorne; Areskine; Melvill; Tracquair; Secretary; Advocate. Holyrood House, 4th March 1633.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presentit to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Though Fol. 191 b. we wer pleased upon some false and malicious calumneis suggested unto us by ane George Nicoll aganis some of our cheefe officers to give order to our Justice Generall and Advocat for persewing and caussing his punishement be speedilie sentenced according to justice, yitt upon some considerations now moving us we ar heirby pleased that yow withdraw that caus frome the judicatorie of the Justice Generall, and having callit the said Nicoll before yow that yow caus censure and punishe him in suche maner as yow shall thinke fitt, that by his exemple others may be terrified frome attempting the lyke heerafter; for whiche these presents sall be sufficient warrand unto yow and everie of yow. We bid yow fareweill. Frome our Court at Whitehall, the 23 of Februarie, 1633. Quhilk letter being heard and considderit be the saids Lords and they rypelie advised therewith, they find the same in respect of the tryell takin be his Majestie to be ane sufficient warrand to the Counsell for censuring and punishing the said Mr George without forder tryell or inquyrie; and continewes the advisement upon the forme of the punishement to be inflicted till the morne at nyne of the clocke in the morning in the laich Counselhous of Edinburgh." Letter from his Majesty requiring the Council to censure and punish George Nicoll, without further trial. See *ante*, p. 30.

"Forsameekle as there is sindrie peeces of his Majesteis tapestrie verie evill worne and eatin and spoyled with rattouns so that they can serve for little use unlesse they be helped; and whereas there is ane peece of his Majesteis tapestrie marked with the figure of 18s evill spoyled and eatin with rattouns as it cannot be helped and will not serve Warrant for the repairing of a piece of his Majesty's tapestry.

for no use bot to be cutted and the other peeces of the said tapestrie helped and mended therewith; thairfoir the Lords of Secreit Counsell ordains and commands the keeper of his Majesteis wardrop to delyver the said peece of spoyled tapestrie marked with the figure of 18s to suche as hes the charge of mending of his Majesteis tapestrie and to caus the same be cutted and the other peeces of tapestrie helped and mended therewith; anent the doing whairof the extract of this act sall be unto the whole officiars of the wardrop ane warrand." Acta, June 1632-June 1634. Fol. 191, b.

Warrant for repairing the Castles of Stirling, Linlithgow, and Dunfermline.

"Forsameekle as at the late visitatioun of his Majesteis houses of Linlithgow, Stirline and Dumfermeline there wes sindrie things found there quhilks necessarilie required to be helped and repaired for his Majesteis better and more contented receptioun and loodging there; thairfoir the Lords of Secreit Counsell ordains and commands the maisters of his Majesteis warkes that with all convenient diligence they enter warkemen to the repairing, beiting and mending of his Majesteis said houses according to the report of the visitatioun, and to helpe, mend and repaire all suche other things within the saids houses as they sall be directed and warranted be the Lord Thesaurar, principall or deputie, anent the doing whairof the extract of this act sall be unto the saids maisters of warke ane warrand." Fol. 192, a.

Edinburgh, 5th March 1633.

Sederunt—Ante meridiem, ut die prædicto unacum Carnegie.

Mr. George Nicoll to be pilloried, whipped, and banished.

See *ante*, p. 37.

"Forsameekle as Mr George Nicoll having most impudentlie suggested unto his Majestie some false and malicious calumneis aganis the cheefe officers of the estait and whiche reflected a foule aspersioun upon his Majesteis Counsell, Exchecker and whole bodie of this estait, to the discredite of the kingdome, and he being callit thereupon before his Majestie at severall tymes and having undertakin to make good what he had falselie suggested he wes not onlie found be his Majestie to be ane false calumniator and liar, bot he succumbed altogidder in what he had undertakin to make good for his Majesteis benefite: Whiche being a mater most offensive to his Majestie in regarde of the foolish and scandalous rumours that by this meanes hes beene spread, his Majestie wes thairfoir pleased after dew examinatioun and tryell of the said Mr George his false and malicious calumneis to recommend his exemplar punishement to his Majesteis Counsell, who having takin the same to thair consideratioun and finding the preparative and exemple of the said Mr George his mischant cariage to be most dangerous, and that the impunitie thairof may encourage others false calumniators and liars to offend in the lyke kynde heerafter; thairfoir the saids Lords after verie good advice finds and declares that the said Mr George hes most falselie, foullie, foolishlie and maliciouslie caluminat his Majesteis cheefe officers, Counsell and Exchecker and the bodie of the kingdome in maner foresaid, and that he deserves most exemplar and severe punishement to be

Acta, June 1632-June 1634. Fol. 192, b.

inflicted upon the said Mr George in maner following, to witt; the saids Lords decerns the said Mr George to be banished his Majesteis whole dominiouns during the course of his lyfe and that he never returne againe within the same under the pane of death; as alsua they decerne and ordaine him to be caried by the hangman of the burgh of Edinburgh fra the tolbuith of the burgh of Edinburgh where he presentlie remaines, flightered in the armes, to the style at quhilk the Lords of Sessioun enters to the tolbuith upon the saxt of Marche instant at eight of the clocke in the morning and there to stand whill after nyne, and that then he be caried fra the style to the mercat croce of the said burgh having all this tyme fra his coming out of the tolbuithe to his returne backe agane to the same ane paper upon his head with this inscriptioun in great letters—'Heir stands Mr George Nicoll who is tryed, found and declaired to be a false calumniator and liar'; and that he stand upon the croce with the said paper upon his head fra the said houre of nyne till the houre of twelffe, and that than the hangman declare publictlie that the said Mr George is found to be a false calumniator and that accordinglie he is declared infamous, and thereafter that the said hangman give him sax whippes upon his naiked backe and thereafter carie him backe to the tolbuithe naiked in the shoulders there to remaine till the occasioun of some ship be had to transport him; lykeas the said Mr George Nicoll being personallie present this sentence wes read and intimat unto him; and the Lords ordains the provest and bailleis of Edinburgh to see the same put in executioun."

Sederunt, post meridiem—Stratherne; Wintoun; Wigtoun; Bishop of Dunkeld; Bishop of Dumblane; Lorne; Areskine; Melville; Carnegie; Tracquair; Secretary; Advocate. Holyrood House, 5th March 1633.

Proclamation against eating flesh in Lent, hunting game in the King's domains, and killing lambs or cattle during Lent.

"Forsameekle as the slaying, selling and eating of flesh in Lentroun hes beene upon verie good respects and considerationns by diverse Acts of Parliament and Secreit Counsell straitlie prohibite and forbidden under certane panes mentiouned and conteanned in the saids Acts; by the whilks lykewayes the slaughter of wylde foule and vennisoun hes beene alsua discharged, as in the acts made to this effect at mair lenth is conteanit; and whereas now there is ane greater necessitie of the precise observatioun of the saids acts nor there wes at anie tyme heeretofore, seing his Majestie is resolved, God willing, in this approacheing sommer to honnour this his ancient kingdome with his royall presence and that the credite and reputatioun of the countrie requires that his Majestie and his tryne sall be abundantlie furnished with all kynde of fleshes, wylde foule and vennisoun during the tyme of his abode heere; nevertheles the Lords of Secreit Counsell ar informed that great nombers of persons of all rankes and qualiteis, preferring thair awne privat contentment to his Majesteis obedience and to the honnour and credite of the countrie and

Fol. 193, a.

to thair awne dewteis, ceasses not in tyme of Lent to sell, slay and eate flesh at thair pleasure; as alsua the slaughter, destructioun and selling of wylde foule in sellers and others quyet places is als frequent since the tyme of the making of the lait proclamatioun aganis the slaying and selling of the same as it wes at anie tyme preceeding; by the quhilk publict and disgracefull contempt of his Majesteis auctoritie and lawes there is verie great appearance that there will be ane universall skarsetie and dearth not onelie of all kynde of fleshes bot of vennisoun and wylde foule at this approacheing tyme of his Majesteis heerecomming, quhairupon will not onelie follow the discredite and disgrace of the countrie bot the high miscontentment and offence of his Majestie, if anie thing sall be enlaiking that may concerne his royall receptioun heere: And whereas the bypast connivence and oversight givin to persons offending in this kynde is one of the cheefe enducements quhilk procures this universall contempt and breake of the law, and the Lords of Secreit Counsell finding by experience that the dew executioun of the law aganis persons offending is the most powerfull meane to deteane thame under obedience, thairfoir the saids Lords hes resolved with all rigour and extremitie and without respect to persons to punishe all suche who darre presoome heerafter to violat the law in this so important a tyme when the observatioun of the same tuiches the countrie so neerelie in honnour and credite; thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie or degree so ever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull that nane of thame [presoome] nor take upon hand during this forbiddin tyme of Lent to eate or make readie for eating anie kynde of flesh under the panes following to be uplifted of everie person so oft as they failyie; that is to say, of everie erle ane hundreth punds, of everie lord ane hundreth merks, of everie baron fourtie punds, and of everie burges, oastler and common cooke that sellis meate and drinke fourtie punds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed: As alsua that no fleshers presoome nor take upon hand to slay or sell fleshe during the tyme foresaid under the pane of fourtie punds so oft as they failyie: And by and attour the payment of thir pecuniall soumes the offenders sall be severelie punished in thair persons be wairding and otherwayes to the terrour of others to offend in the lyke kynde heerafter: And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie and degree so ever they be, that nane of thame presoome nor take upon hand to hunt, shoot or slay anie deir or rae in anie of his Majesteis forests or parkes or in anie other part of the kingdome, or to hunt haires ather with ratches or grewhounds within aucht myles of his Majesteis palaces of Halyrudhous, Linlithgow, Stirline, Dumfermeline and Falkland and burrowes of Perth and Brechin; certefeing all

Acts, June 1632-June 1634. Fol. 193, a.

Fol. 193, b.

Acts June 1632-June 1634. Fol. 193, b.

suche who sall presoome to doe in the contrair that they sall be punished in thair persons and goods with all rigour conforme to the acts and proclamatiouns formerlie made thereanent: And siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand to sell, slay, buy or eate anie kynde of lambes nor anie powtes nor other kynde of wylde foule untill the tyme of his Majesteis comming to this kingdome under the pane of fourtie punds to be incurred be everie person or persons contraveenning so oft as they sall happin to failyie, certefeing thame that sall failyie or doe in the contrair that besides the payment of the particular soumes abonewrittin they sall be punished in thair persons be warding and otherwayes to the terrour of others: And siclyke to command all and sindrie shireffs, stewarts, provests and bailleis within burgh, and all others bearing anie office or charge within this kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictions have a speciall care and regarde to see this present act observed in everie point and that they caus attend thair mercats and carefullie forsee that no lambs nor no kynde of wylde foule, young nor old, be bought or sold within the same; and where they sall happin to discover anie person or persons contraveenning thir presents in anie point of the premisses that they take speciall notice of thame and informe the Lords of his Majesteis Privie Counsell thairof to the intent the offenders may be callit, conveenned, persewed and punished accordinglie, as they and everie ane of thame will answer to the saids Lords upon the dewtifull discharge of thair offices."

Fol. 194, a.

Letter from his Majesty granting licence to the Council to eat flesh during Lent.

"CHARLES R. CHARLES be the grace of God King of Great Britane, France and Ireland, defender of the faith, to all and sindrie our lieges and subjects whome it effeiris to whois knowledge thir our letters sall come, greiting. Forsameekle as we have givin and grantit and be the tennour heirof gives and grants libertie and licence to the Lords of our Privie Counsell, Sessioun and Exchecker, and to suche as sall accompanie thame at the table to eate flesh during this forbiddin tyme of Lent and upon Wednisday, Fryday and Saturday for the space of ane yeere nixt after the dait heirof, notwithstanding quhatsomever acts and proclamatiouns made in the contrare, whereanent and all panes conteanit therein we dispense be thir presents; discharging heirby our Justice, our Advocat, our Justice Clerk and thair deputs, and all others our judges, officers and ministers of our lawes, of all calling, accusing or anie wayes proceeding aganis the saids Lords of our Privie Counsell, Sessioun and Exchecker or persons accompanying thame at table, as said is, or anie of thame, for the caus foresaid; discharging thame thairof and of thair offices in that part *simpliciter* be thir presents. Given under our Signet at Halyrudhous, the fyft day of Marche, and of our reigne the aucht yeere, 1633. *Subscribitur*, Stratherne, Wintoun, Wigtoun, Lorne, Areskine, Dunkelden, Melvill, Carnegie, S. Thomas Hop."

Modification of aliment to Lady Luss from the lands of her husband who has deserted her.

Acta June 1632-June 1634. Fol. 194, b.

"Anent the supplicatioun presentit to the Lords of Secreit Counsell in the name of Ladie Lilias Grahame, Ladie Lus, makand mentioun, that where it is not unknowne to the saids Lords how that Johne Colquhoun of Lus, her husband, having cassin aff all feare of God, hes diverted himselfe frome the said Ladie her societie and companie and hes transported himselfe aff this kingdome, taking himselfe to ane louse and dissolute maner of living, to the utter wracke of his estait and of his said spous and thair aucht childrein. And nevertheles it is of veritie that Umphra Colquhoun of Balvie, his brother german, is so farre frome piteing the said Ladeis estait that he hes caused arreist and sequestrat be himselfe and others in his name to his behove the haill rents and living of Lus and all that belongs thereto, be the quhilk arreistments the said Lady is altogidder debarred fra all kynde of maintenance for her and her aucht bairnes, and he intends to make thame to starve, without remeid be provydit; humbelie desyring thairfoir the saids Lords to have respect to her and her aucht destitute childrein and to take suche course with the said Umphra that she be not forder troubled be him nor his pretendit arreistments, bot that she be answered of suche competent meanes for interteanement of her and her bairnes as the saids Lords sall find meit; lykeas at mair lenth is conteanit in the said supplicatioun: Quhairunto the said Umphra being callit to answer, and he compeirand personallie and the said supplicatioun being read in his audience and he heard thereupon and all that he could propone and alledge in that mater being considderit be the saids Lords and they weill advised therewith; and understanding that it is his Majesteis gratious will and pleasure that the said lady sall not be prejudged in her conjunct fie rent nor no part thairof of the lands and living of Lus dew to her be infeftments of the same; thairfoir the saids Lords finds and declares that the said Ladie Lus hes full right, title and interesse to intromett with, uplift and receave the haill mailles, fermes, rents, kaynes, customes, multures and dewteis quhatsomever of her conjunct fie lands underwrittin, they ar to say, of all and haill the lands and baronie of Colquhoun with the manour places of Dunglus, houses, yairds, orchards, fishings and yaires on the Water of Clyde, mylnes, multures, loches, tennents, tennendries and service of free tennents, of all and haill the lands of Garskub, with the mannour places, mylnes, multures, fishings, yairds, orchars; tennents, tennentreis and service of free tennents of the same, all lying within the shirefdome of Dumbartane; of all and haill the lands of Sauchie with the mannour places thairof, orchards and yairds of the same, mylnes, Fol. 195, a. mylne lands, fishings, croves and yle ark, loches, tennents, tennendreis and service of free tennents of the same lying within the shirefdome of Stirline; and of all and haill the lands of Colquhons Glen, tennents, tennendreis, service of free tennents of the same; and of all and haill the mylne and mylne lands of Sauline lying within the shirefdomes of Stirline and Fyfe respective; as lykewayes of all and haill the 5^{lb} land

of old extent of Wallacestoun and Ardackmoir, with all thair pertinents lying within the parish of Cardross and shirefdome of Dumbartane, and of the mylnes bigged or to be bigged upon the lands of Wallacestoun; and of all and haill the 14s. land of Woltoun lying within the lordship and parish of Cardros and sherifdome of Dumbartane; and siclyke of all and haill the lands of Bortland of Sauline lying within the sherifdome of Fyfe; and of all and haill the lands of Gartshiach within the old meiths and merches of the same lying within the territorie of Dumbartane; and in all and haill the tenement of land with the houses and yairds thairof callit the Manse of Lus lying in the citie of Glasgow on the south side of the Hie Streit thairof callit the Rottoun Raw, and of all right and title that he had or sould acquire of the teinds, personage and vicarage of the haill lands abonewrittin, of the crop and yeere of God 1632 yeeres, and of all yeeres and termes to come, till the King's Majestie signifie his forder pleasure towards her; and decerns and ordains the factours and chamberlans of the living of Lus to make thankefull and tymous payment to the said ladie of the maillis, fermes, kaynes, customes and dewteis of her said conjunct fee lands of the crop and yeere foresaid and in tyme comming notwithstanding anie arreistments made or to be made thereupon, quhilks the saids Lords declares sall have no force nor executioun to debarre or hinder the said Ladie of her conjunct fie rent or any part or portioun of the same. And if by anie priour infeftments, rights or securiteis the said Dame Lilias sall be prejudged of anie part of her conjunct fie rent quhairunto she wes provydit be her contract of mariage the saids Lords finds and declares that in course of justice she aucht to have als mekle out of the readiest of the living of Lus as will correspond to that quhairof she sall be prejudged be the saids priour infeftments. And for this effect the saids Lords hes modified and modifeis unto her suche a proportioun to be payed to her out of the whole rent and living of Lus as will correspond to her said conjunct fee rent, and that the whole estait and living of Lus sall be answerable to her towards her payment for what she wants and hes not receaved in tymes past. And the saids Lords declares that since the tyme that the said Ladie her husband diverted frome her, quhilk wes in the moneth of July, 1631, that she hes and sall have good right to als muche of the rent and dewteis of the living of Lus as she wanted that yeere; and ordain Robert and David Colquhons, present chamberlains of the living of Lus, who wer personallie present, to answer and make payment to her of so muche of the rents and dueteis of the living of Lus as will correspond and answer to that quhilk after compt and reckonning there sall be found to be restand to her of the said crop and yeere 1631; And ordains letters to be direct heirupon, if neid beis, in forme as effeirs."

P. 195, b. "Forsameekle as the Lords of Secreit Counsell ar informed that the whole or most part of the loodgings and stables within the burgh of Stirline, Linlithgow, Dumfermeline and Falkland ar alreadie tane up be

Order for the securing of accommodation for his Majesty's

servant in Stirling, Linlithgow, Dunfermline, and Falkland.

some persouns of this kingdome, so that suche of his Majesteis tryne and followers as necessarilie must be loodged neere to his Majesteis persoun during his abode at the Castell of Stirline and palaces of Linlithgow, Dumfermeline and Falkland will not be commodiouslie accommodat in loodgings and stables within the saids burrowes bot will be constrained to seeke thair loodgings in farre and remote places frome his Majesteis said castell and palaces, to the disappointing and neglecting of his Majesteis service; whilk will not onelie be offensive to his Majestie bot will be a great discredite to the countrie that his Majesteis proper domesticks, who must necessarilie attend his royall persoun, sall be disappointed of thair loodgings. Thairfoir the Lords of Secreit Counsell hes thought good heirby to intimat and declare that all these who hes tane or mynds to take loodgings and stables in anie of the saids burrowes that they will be frustrat and disappointed of thair intents and that all the saids loodgings and stables will be tane up and marked for his Majesteis awne tryne and followers be his Majesteis harbengers at his heerecomming; and ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croces of Linlithgow, Stirline, Dumfermeline and Falkland, and to warne all persons who hes tane or myndes to take loodgings or stables in the saids burrowes that they provide thameselffes of loodgings and stables elliswhere otherwayes assuring thame that they will be disappointed, and that the saids loodgings and stables will be tane up and marked for his Majesteis tryne and followers." Acta June 1632–June 1634. Fol. 195, b.

Charge to certain masons in Culross to give their services for the advancement of works to be completed before his Majesty's visit.

"Forsameekle as for the better furthering and advancing of his Majesteis warkes quhilks ar now in hands and must be perfytted again the tyme of his Majesteis heircomming, necessar it is that choise be made of craftsmen throughout all the parts of the kingdome and that they be compellit to enter to his Majesteis warkes where they will receave honnest wages and thankefull and tymous payment and that no other imployment quhatsomever sall hinder thame; thairfoir ordains letters to be direct charging Thomas Campbell, Robert Aitkine and Alexander Henrie, maissons in Culros, William Smith, John Simsons, elder and younger, Robert and David Aitkins and George Cumming, maissons in Torriburne, to make thair addresse to the maisters of his Majesteis warkes at Halyrudhous and there to enter to his Majesteis workes as they sall be directed be the maisters of his Majesteis warkes within three dayes after the charge, under the pane of rebellioun, etc., with certificatioun to thame that failyes that not onelie sall letters be direct to denunce thame rebells and to escheit, etc., bot with that warrands sall be grantit to apprehend thame and to bring thame to his Majesteis Counsell to underly thair deserved punishement." Fol. 196, a.

Holyrood House, 5th March 1633. George Nicoll.

"The act anent the punishing of Nicoll exped and subscryved." Sederunts, November 1629–January 1635. Fol. 101, a.

Robert Young, cautioner for James Dobie.

"Robert Young, candlemaker, cautioner for James Dobie, flesher, according to the former act till the 24 of this instant." Fol. 101, b.

Sederunt—Privy Seal; Wintoun; Lauderdaill; Bishop of Dunkeld; Bishop of the Yles; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Tracquair; Secretary; Advocate. Holyrood House, 12th March 1633.

"The Lords of Secreit Counsell hes added and adjoynned and be the tennour heirof addes and joynes George, Erle of Wintoun, Johne, Erle of Lauderdaill, Archibald, Lord Lorne, and Johne, Lord Areskine, to the Committee formerlie grantit upon the sevintene of Januar last for meiting with his Majesteis Thesaurar or Deputie Thesaurar and advising with thame anent the preparatiouns for his Majesteis coronatioun and heerecomming." Winton, Lauderdale, Erskine, and Lorne adjoined to the Committee appointed for advising upon preparations against his Majesty's coming.

"Forsameekle as for his Majesteis more commodious and easie passage frome his palace of Halyrudhous to his North Yaird it is necessar that ane entrie and passage be made over fra the said palace to the said yaird in suche ane comelie forme as may best give his Majestie contentment, and for this effect that ane doore be struckin throw the north side wall of the great towre of the said palace betweene the twa rounds for ane entrie to the said yaird; for quhilk purpose ordains and commands the maisters of his Majesteis Warkes to caus strike throw the said door, and to make the said entrie and passage in a comelie and decent order, whereanent thir presents sall be to thame ane warrand." Anent a passage from the palace of Holyrood to the North Yards.

"Forsameekle as the Lords of Secreit Counsell ar informed by petitioun from Sir Robert Montgomerie, younger of Skelmurelie, who is chosin be the barons and freehalders of the shirefdome, of Bute to be ane of the commissioners at the ensewing parliament for that shirefdome, that the said Sir Robert is nather ane baron nor freehalder of his Majestie in anie of his lands within that shirefdome and so cannot be ane commissioner for the Parliament, quhairby his Majesteis service in that particular may be verie farre prejudged without remeid be provydit, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the sheriff of Bute and his deputs to take tryell of the exceptioun foresaid propouned be the said Laird of Skelmurelie, younger, and if they find the same to be trew, that with all convenient diligence they conveene the barons and freehalders within the said shirefdome and proceid to the electioun of some other persoun in place of the said Laird of Skelmurelie, younger; and that they report the commissioun of his nominatioun and electioun subscribit and sealled according to the Act of Parliament upon the 28 day of Marche instant under the pane of rebellioun, etc., with certificatioun, etc." Charge to the Sheriff of Bute for the election of a commissioner to the Parliament in place of Sir Robert Montgomery of Skelmorlie.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Johne Gordoun of Sheillis and become actit and obleist as cautioner and souertie for Margaret Gordon, goodwife of Cormellat, that she, being fred and releeved furth of the tolbuith of Edinburgh, where she presentlie remaines, she sall compeir personallie before the saids Lords Caution by John Gordon of Shiels for Margaret Gordon, goodwife of Cormellat.

upon Thursday nixt, the 14 day of Marche instant, and underly thair will and pleasure tuicheing her religioun under the pane of twa hundreth merkes. *Sic subscribitur*, JOHNE GORDOUN." Acta, June 1632-June 1634. Fol. 196, b.

Letter from his Majesty anent the lands of the Earl of Home.

"A letter frome his Majestie commanding that no innovation nor change be made in anie of the lands or other things belonging to the Erle of Home without consent of partie or course of law, and for making the writts and evidents concerning the said Erle his honnour and inheritance furthcummand to parteis having best right thereto." Sederunts, November 1629-January 1635. Fol. 101, b.

Holyrood House, 14th March 1633.

Sederunt—Stratherne; Privy Seal; Mar; Murrey; Perth; Wigtoun; Lauderdaill; Melvill; Areskine; Bishop of Dumblane; Bishop of the Yles; Lorne; Tracquair; Secretary; Advocate; Sir James Baillie. Acta, June 1632-June 1634. Fol. 196, b.

Decision anent the writs and evidents of the late Earl of Home's estate, in consonance with a letter from his Majesty anent the same.

"Anent the supplicatioun presentit to the Lords of Secreit Counsell be James Home, narrest appearand air to James, Erle of Home, makand mentioun, that where it has pleased his Majestie out of his gratious dispositioun to intimat his pleasure to the saids Lords be his missive letter for taking suche order with the writts and evidents of the estait of Home as the same may be putt in safetie and made furthcummand to suche parteis as sall be found to have best right thereto, humbelie desyring thairfoir the saids Lords to give directioun to thair Clerk to seale up the haill kists and coffers now presentlie standing in the Countesse of Homes loodging in the Cannogait that no persoun have accesse thereto whill it be found be some legall course who sall have best right thereto, and to caus registrat his Majesteis said letter, lykeas at mair lenth is conteanit in the said supplicatioun. Quhairunto James, Erle of Murrey, being warned to answer, and he compeirand personallie and the said James Home compeirand be George Home, servitour to the Lord Newabbey, it wes answered be the said Erle of Murrey that the desire of the said supplicatioun aucht not to be grantit becaus the Kings Majestie by his letter directed to the saids Lords and whereupon the said supplicatioun is founded hes signified his royall pleasure and princelie directioun that no innovation nor change be made in anie of the lands or other thing belonging to the said lait Erle without consent of parteis or course of law, bot that they may continew in the estait wherein they now ar, and that the Ladie Doun, sister to the said Erle of Home and daughter in law to the said Erle of Murrey, is in present possessioun of the saids writts and evidents be virtew of good and sufficient rights standing in her person as air to the said Erle of Home, her brother, and that the said James Home had no right ather to the living of Home or to the saids writts, and that conforme to the desire of the said letter the said Ladie Doun aucht to reteane the possessioun of the saids writts as having onelie right thereto. Quhilk answer made be the said Erle of Murrey being heard and consideritt be the saids Lords and they being therewith and with his Fol. 197, a.

[illegible] June
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1634.
Fol. 197, a.

Majesteis letter foresaid and with others the reasouns and allegatiouns of both the saids parteis weill advised, the Lords of Secreit Counsell finds that the desire of the said supplicatioun aucht not to be grantit, and thairfoir refuises the same, and allowes the parteis cled with ane standing right to the said Erle of Home his living and writts to reteane and keepe thair possessioun till the questioun anent thair saids rights be decydit and discust in the ordinar place and judgement. Followes his Majesteis missive abonementiouned:—CHARLES R. Right trusty and right weil-belovit cousine and counseller, right trusty and right weilbelovit cousines and counsellers, and trusty and weilbelovit counsellers, we greit yow weill. Whereas we ar informed that diverse questions in law ar lyke to arise concerning the successioun of the lait Erle of Hume to his lands and estait, and being willing that all our good subjects have justice
Fol. 197, b.
equallie administred according to our lawes, and in the meane tyme to prevent anie disorderlie courses and that no persone be defrauded of that whiche heerafter may be adjudged justlie to belong unto him it is, our pleasure that yow give order with diligence that no innovatioun nor change be made in anie of the lands or other things belonging to the said Erle without consent of parteis or course of law, bot that they may continew in the estait wherein they now ar. And if in the meane tyme anie person have takin upon thame to take possessioun of anie lands, houses or other things belonging to the said Erle, that the same be putt in the estait wherein it wes at the tyme of his death; and our further pleasure is that yow take suche a course as yow in your judgement sall thinke fitt according to the lawes of the kingdome that the writts and evidents concerning his honnour and inheritance may be made furth-comming to the use of suche persons as by the lawes of that kingdome sall be found to have just right thereunto; whiche recommending unto your speciall care, we bid yow farewell. Frome our Court at Whithall, 15 February, 1633."

Charge anent beggars and vagabonds in Edinburgh and neighbourhood.

"Forsameekle as by diverse acts and proclamations made and published heeretofore all strong and sturdie beggers wer charged to have retired thamselffes to thair awne parishes and not to have resorted nor repaired toward the burgh of Edinburgh, the Cannogait and others parts neere thereto, and directioun wes givin to the magistrats of the Cannogait, the West Port, Potterraw, and others parts about the burgh of Edinburgh and to the awners of the houses in the raw callit St Ninians Raw or the Theefe Raw at the foote of Leith Wynde to have keeped thair bounds free of the saids strong and sturdie beggers and not to have suffered thame to have had anie beild, ressett or residence within the same, notwithstanding quhairof it is of truthe that great nombers of thir vagabound beggers repaires fra all parts of the countrie toward the Cannogait and others touns about the burgh of Edinburgh where they ar ressett, hoorded and keeped and by thair shamefull exclamatiouns and crying so troubles and wearies the noblemen and others his Majesteis

subjects walking upon the streits as they cannot convenientlie attend thair lawfull effaires and bussines at the Counsell and Sessioun; whilk all proceeds frome the carelesse negligence of the magistrats and awners of the lands within the saids bounds; and if order be not tane heerewith before his Majesteis comming to this kingdome his Majesteis Court will be pestered with thir beggerlie lymmars and the countrie discredited and shamed; thairfoir ordains letters to be direct charging the bailleis of the Cannogait, West Port and Potterraw, the bailie of the regalitie of Brouchtoun, Sir George Toures of Innerleith, Sir Thomas Thomesone of Duddingstoun, the baillie of Restalrig, James Bannatyne and the relict or airs of umquhill Mr Umphra Blensells, heretours of the lands of St Ninians Raw, to compear personallie before the saids Lords upon the 19 of this instant to underly suche order as sall be injoynned unto thame tuicheing the keeping of thair bounds free of the saids vagabounds and beggers, and that they have no ressett nor beild there under the pane of rebellioun, etc., with certificatioun, etc." Acta, June 1632-June 1634. Fol. 198, a.

Order for the election of a commissioner to represent the shire of Renfrew in Parliament.

"Forsameekle as the small barons and freehalders of the shirefdomes of Dumbartane and Renfrew have made choise of Sir Ludovick Houstoun of that Ilke to be ane of the commissioners for both the saids shirefdomes at the ensewing parliament, and whereas there is great skarsetie of freehalders within the shirefdome of Dumbartane and great plentie of the same in the shirefdome of Renfrew, thairfoir the Lords of Secreit Counsell hes thought meit and expedient that the said Sir Ludovick sall be receaved commissioner for the said shirefdome of Dumbartane and that ane new electioun and choise sall be made of ane commissioner in place of the said Sir Ludovick for the shirefdome of Renfrew at the said ensewing parliament. For quhilk purpose ordains letters to be direct charging the Shireff of Renfrew and his deputs to conveene the small barons and freehalders of the said shirefdome with convenient diligence and at thair meeting to make choise of some other sufficient and qualified persoun in place of the said Laird of Houstoun to be commissioner for shirefdome at the said parliament, and to report the said commissioun of his nominatioun and electioun subscribit and sealed to the saids Lords conforme to the Act of Parliament upon the 28 day of Marche instant under the pane of rebellioun, etc., with certificatioun, etc."

Protection to James Liddell, who is appointed to be baker to his Majesty during his ensuing visit.

"Forsameekle as James Liddell, servitor to our soverane Lords lait darrest father of blessed memorie, having long and faithfullie served his said late Majestie in his bakehous and pattislee and, when his said late Majestie come to this kingdome in the 1617 yeere of God, the said James wes imployed in that same charge and service and caried himselfe with great discretioun therein; and the Lords of Secreit Counsell, considdering that the said James his service in the imployment and charge foresaid will be most necessarie at this tyme when his Majestie comes heir, and to the intent he may attend the same service without feare of anie civill hornings that he underlyes, thairfoir the Lords of Secreit Fol. 198, b.

Acts, June 1632-June 1634, f. 198, b.

Counsell gives and grants unto the said James thair warrand, libertie and licence to make his addresse heere and to attend the service foresaid and suche preparatiouns as concernes the same fra the first day of Aprile nixtocome to the first day of August thereafter, and in the meanetyme to be untroubled, arreisted or warded be vertew of anie civill hornings, captiouns or other warrand execute aganis him for anie debts; discharging heirby all shireffs, stewarts, bailleis of regaliteis, provests and bailleis within burgh, and all others judges, officiars and magistrats to burgh and land and als all messingers of armes of all taking, apprehending, warding or arreisting the said James Liddell be vertew of anie civill hornings, captiouns or other warrand execute aganis him for anie debts; discharging, etc."

Obligation by Margaret Gordon, goodwife of Cormellat, a Papist, to remain within her own parish and not to give offence to the Kirk.

"The quhilk day in presence of the Lords of Secreit Counsell compeired personallie Margaret Gordoun, goodwife of Cormellat, and actit and obleist herselfe that she sall make her addresse with convenient diligence to her awne dwelling hous, and that she sall remaine within her awne parish and not transgresse the bounds thairof, and that she sall behave herselfe modestlie without giving mater of offence or scandall to the Kirk, and that she sall not ressett Jesuits nor preests, under the pane of ane thowsand punds incaise she failyie in anie point of the premisses."

f. 199, a.

The heads of malefactors on the West Port to be removed in view of his Majesty's visit.

"The Lords of Secreit Counsell, in regarde of the solemniteis and showes quhilks ar to be made be the magistrats of the burgh of Edinburgh at the West Port of the said burgh at his Majesteis entrie within the same, gives warrand and allowance be thir presents to the saids provest and bailleis of Edinburgh to caus take aff the heads of some malefactours whilks ar sett up upon the said West Port, quhereanent thir presents sall be to thame ane warrand."

Letter from his Majesty appointing Archibald, Lord of Lorn, chief master of the household.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Archibald, Lord of Lorne, and gave in the missive letter underwrittin, signed be the Kings Majestie and directed unto the said lord, of the whilk the tennour followes:—CHARLES R. Right trustie and weilbelovit counsellour, we greit yow weill. Being informed that your father and predicessours have these manie yeeres used the office of cheefe maister houshold to our royall progenitours of that our kingdome, our pleasure is, in regarde of your fathers absence from thence, that yow at our comming there, God willing, this next sommer supplee his place in anie thing that may concerne that office as he hath formerlie done, wherein not doubting bot that yow will weill and carefullie discharge yourselffe, we bid yow farewell. Frome our Court at Whitehall, 15 of Februarie, 1633. Followes the directioun on the backe—To our right trustie and weilbelovit counseller the Lord of Lorne. Quhilk missive being heard and considderit be the saids Lords they ordaine the same to be insert and registrat in the bookes of Secreit Counsell, and allowes of his Majesteis royall pleasure mentiouned therein

in making choise of the said Lord of Lorne to supplee his fathers place of cheefe maister houshold; and accordinglie interpons thair auctoritie thereto." Acta, June 1632-June 1634. Fol. 199, a.

The coronation. "The Lords ordains missives to be writtin to the dukes, marqueisses and erles to attend the coronatioun with thair crownes and robs of crimsoun velvet enermened." Sederunts, November 1629-January 1635. Fol. 102, a.

The wearing of plaids. "The Lords allowes of the propositioun made be the provest and bailleis of Edinburgh anent discharging the wearing of plaidis."

Holyrood House, 15th March 1633. Letter of Council to the Bishop of Aberdeen anent the goodwife of Cormellat. See *ante*, p. 49. "After our verie heartilie commendatiouns to your good lordship. The Marqueis of Huntlie having exhibite the goodwife of Cormellat before us and we having questiouned her upon some point concerning her religioun, we find her to be ane obdured ignorant papist without all hope to be reclamed, and she appeares verie willing and readie to accept of banishement, quhilks (as we conceave) she does purposelie to conciliat pitie and favour in forrane parts as one persecuted for religioun. And becaus this will be disgracefull to the natioun that suche ane old foolish wife sould take this advantage aganis the proceedings of our Kirke, we have forborne to give eare to the motioun of her banishement, and we have tane this course with her and actit her that she sall remaine within her awne parish and that she sall behave herselfe modestlie without giving mater of offence or scandall to the Kirk, and that she sall not resset Jesuits nor preists under the pane of ane thowsand punds, and we have remitted her to your lordship to underly quhat forder your lordship sall injoyne to her, wherein your lordship sall use your awne discretioun, etc. *Subscribitur*, Hadintoun, Eglintoun, Lauderdaill, Iles, Sr Thomas Hope. Halyrudhous, 15 *Martij*, 1633." Royal Letters 1623-33. Fol. 228, a. Fol. 228, b.

Holyrood House, 19th March 1633. *Sederunt*—Privy Seal; Wintoun; Dunkeld; Dumblane; Iles; Lorne; Melvill; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 199, a.

Charge to restore to certain persons of Hamburg the ship which had been taken by the representatives of Captain Robertson. See *ante*, p. 19. "Forsameekle as the Kings Majestie by his letter written and directed to the Lords of his Privie Counsell hes signified his royall pleasure and princelie commandement that without forder delay these persons, who wer entrusted be the saids Lords to receave and keepe the shippe and goods of Hamborrow sequestrat at his Majesteis directioun, sall delyver the same to the persons of Hamborrow having right to receave thame, as his Majesteis letter beiris, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the Erle of Rothes, Sir Patrik Hepburn of Wauchton, Sir George Hamilton of Blackburne, Androw Ainslie, George Arnot, and Johne Cowane, partners in the letters of reprisall grantit to Captane Robertsone, to compeir personallie before the saids Lords upon the 26 day of Marche instant to heare and see his Majesteis pleasure and directioun mentiouned and conteanit in the said letter satisfied and obeyed, or ellis to shaw a reasonabill cause why; with certificatioun to Fol. 199, b.

Acta, June 1632-June 1634. Fol. 199, b.

thame and they failyie that the desire of the said letter sall be grantit. Followes his Majesteis missive abonementioned:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. We have understood by your letter that yow have discharged the letters of reprisall grantit to [the] late Captane Robertsone till we sall find caus for renewing thairof, bot have not givin order to delyver the ship and goods, according to our letter writtin to yow of lait tuicheing that purpose; wherein seing that course wes intended by ws upon good considerationns we still continew in our former resolutioun tuicheing the same. And thairfoir it is our pleasure that without further delay yow caus these persons who wer entrusted by yow to receave and keepe the ship and goods sequestrat by the command of our letters to delyver the same to the persons of Hamburgh having right and power from that state to receave thame, and receave thair discharges thairupon, and we will be carefull to see that our subjects interested be repaired by having speedie justice and payment of that whiche sall be found justlie dew unto thame, they alwayes requyring justice as is signified by our said letter. Wherein not doubting of your conformitie to this our pleasure we bid yow farewell. Frome our Court at Whitehall, the 4 day of Marche, 1633."

The Council approves a petition of the bailies of the Canongate that they may be allowed to levy a monthly contribution in their burgh for the relief of beggars.

" Forsameekle as the bailleis of the Cannogait, being charged to have compeired before the Lords of Privie Counsell this present day to have underlyne suche order as sould be injoynned unto thame tuicheing the keeping of thair streits and bounds cleane and free of strong, sturdie and ydle beggers, who lyes upon thair streits and hes ressett within thair toun and bounds to the discredite of the natioun, and quhilk will be ane great reproache to the countrie at his Majesteis heerecomming if the said toun and bounds of the Cannogait be not keeped free of the saids beggers; and the saids bailleis compeirand personallie they actit thameselffes to keepe thair bounds and jurisdictioun free of strangers beggers, and tuicheing thair awne poore they declaired it wes impossible to get thame haldin aff the streits if some course wer not takin whereby they might be interteanned in houses by a monethlie contributioun to be given be the inhabitants and others within thair jurisdictioun, as is done within the burgh of Edinburgh; and they humbelie desired that they might have the saids Lords warrand and allowance to try the benevolence of thair inhabitants and others within thair jurisdictioun toward the payment of a monethlie contributioun for interteanement of thair awne poore. Quhilk desire being heard and considderit be the saids Lords and they finding the same to be a good and charitable motioun and worthie to be embraced and followed out, thairfoir the saids Lords gives warrand and power be thir presents to the bailleis of the Cannogait to try the benevolence of the inhabitants within thair bounds and jurisdictioun towards the interteanement of thair said poore what everie ane of thame

Fol. 200, a.

will monethlie contribute to that good worke, and tuicheing suche as salbe refractar and sall refuise to contribute, with power to the saids bailleis to impose suche a proportionable and reasounable soume upon thame as they in thair discretioun sall thinke fitt and as the parteis may reasonablie pay without thair seene hurt, and to make report of thair proceedings aganis the persons who sall be refractarie and who sall refuise to contribute in this so necessar ane worke to the saids Lords to the intent they may give thair approbatioun thereto accordinglie." Acta, June 1632-June 1634. Fol. 200, a.

Holyrood House, 19th March 1633. Letter of Council to Earls desiring them to appear in their fitting robes at the coronation.

"After our verie heartilie commendatiouns to your good lordship. Whereas the Kings Majestie is resolved, God willing, in this approacheing sommer to honnour this his ancient kingdome with his royall presence als weill for receaving of his crowne as for halding of ane Parliament, quhilk is proclamed to be haldin at Edinburgh and to begin upon the 18 of Junij nixt with continuatioun of dayes, at the quhilks solemniteis his Majestie lookes that the nobilitie of this kingdome out of thair dewtifull respect to his Majesteis obedience and to the honnour and credite of thair countrie will give thair presence and assistance; and thairfoir according to his Majesteis directioun sent to us in this mater these ar to requeist and desire your good lordship to prepare your selfe and to be in readinesse to keepe the appointed tyme of these solemniteis in that statelie and decent forme as beseemeth the dignitie of suche actiouns, viz. with your rob of crimsoun velvet enermyned and your crowne at the coronatioun and with your scarlat rob at the Parliament; and no wayes doubting that yow will be wanting in anie thing whiche to your dewtie in so important a bussines, so neerelie concerning his Majestie in honnour and state, and whiche is the first that occurred in that kingdome, belongeth, we committ yow to God. Frome Halyrudhous, the 19 day of Marche, 1633. *Subscribitur*, Hadintoun, Wintoun, Areskine, Dunkelden, Melvill, Arch. Achesoun. Royal Letters 1628-33. Fol. 228, b.

Holyrood House, 21st March 1633.

Sederunt—Privy Seal; Perth; Lauderdaill; Areskine; Bishop of Dumblane; Bishop of the Yles; Lord Melvill; Secretary; Advocate. Acta, June 1632-June 1634. Fol. 200, a.

Anent the repairing of his Majesty's palaces.

"Forsameekle as at the lait visitations of the Castells of Edinburgh and Stirline, the palaces of Halyrudhous, Linlithgow and Dumfermeline, it is found that there is sindrie parts in the saids castellis and houses quhilks require a present and tymous reparatioun; and whereas be ane contract past betuix his Majestie and the maisters of his Majesteis warkes the saids maisters of warke hes undertane to interteane and uphold all his Majesteis houses in als good estait as they wer at the making of the said contract, and the Lords of Secreit Counsell considering that there will be ane verie great difficultie to distinguishe the ordinar warke undertane to be uphaldin be the maisters of warke frome the extraordinar warke whilk must be repaired upon his Majesteis charges, and seing this Fol. 200, b.

Acta, June 1633-June 1634. Fol. 200, b.

will breid ane great confusioun in that service and will hinder and interrupt the tymous helping of his Majesteis saids houses; and whereas the necessitie of the tymous repairing of the saids houses and of the palace of Falkland is so important for the credite of the countrie as they cannot suffer delay, thairfoir it is agreed and ordained by his Majesteis Counsell, with consent of the Lord Deputie Thesaurar for himselfe and takand the burdein on him for the Lord principall Thesaurar and of the saids maisters of warke, that for the moneth of Marche instant, Aprile and May nixt, the Lord Deputie Thesaurar sall furnishe and advance fra tyme to tyme moneyes for the furtherance and advancement of his Majesteis warkes in his houses foresaids, and that his Majestie sall beare the whole charges thairof als weill of that whilk is undertane be the saids maisters of warke as of the extraordinar service whereunto they ar not lyable. And the saids maisters of warke out of thair respect to his Majesteis service ar content to dispense with thair parts of the said contract for the three moneths foresaids allanerlie and with the payment of thair monethlie allowance for the three moneths foresaids, provyding that this be not prejudiciall to thair contract, bot that the same stand in force thereafter."

Sederunt—Stratherne; Privy Seal; Wintoun; Wigtoun; Perth; Gallouay; Lauderdaill; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Lord Lorne; Areskine; Melvill; Tracquair; Secretary; Advocate; Sir James Baillie. Holyrood House, 26th March 1633.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presentit to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we have heard that yow have charged our right trustie and right weilbelovit counsellour, the Marques of Huntlie, to present before yow some excommunicated persons upon the 28 of the last month whiche (as we ar informed) he could hardlie doe with that speed that wes required, in regarde to his great age and infirmitie of bodie and that the shirefships of Aberdein and Innernes ar out of his hands and otherwayes disposed of by us, being resolved to be further informed frome yow tuiching the estait of that bussines at our being now verie shortlie, God willing, in that our kingdome, our pleasure is that till that tyme yow suffer no processe to be prosecuted aganis him tuicheing that purpose, leaving yow in the meane tyme to take what other order yow sall think fitt for apprehending and presenting of the saids persons before yow and leaving all others whatsoever anie wayes interested to proceed tuicheing that bussines according to the dew and ordinarie course of our lawes; and for

Letter from his Majesty desiring the Council not to prosecute the Marquis of Huntly because he has failed to produce certain excommunicated Papists.

Fol. 201, a.

your so doing these presents sall be your sufficient warrand. Frome our Court at Whitehall, the 15 day of Marche, 1633. Quhilk missive being heard and considderit be the saids Lords, they ordaine the same to be insert and registrat in the bookes of Privie Counsell, and ane copie thairof to be sent to the Bishop of Aberdein." Acta, June 1632–June 1634. Fol. 201, a.

Order for the election of a commissioner to represent the shire of Stirling in Parliament.

"Forsameekle as the small barons and freehalders within the shirefdome of Stirline hes made choice of Williame Livingstoun of Kilsyth to be ane of thair commissioners at the approacheing parliament, who being heavilie diseased with infirmitie and sickenesse and being upon the point of his departing furth of this kingdome for recovering of his health, he cannot attend upon his charge at the said parliament; and thairfoir necessar it is that some other person be nominat in place of the said Laird of Kilsyth to attend the parliament as commissioner for that shire; thairfoir ordains letters to be direct charging the shireff of Stirline and his deputs to conveene the small barons and frehalders within the said shirefdome with convenient diligence and at thair meiting to caus choise be made of some other sufficient baron and frehalder in place of the said Laird of Kilsyth, and to report the act of his electioun subscribit and sealed, conforme to the Act of Parliament, upon the 24 day of Aprile nixt, under the pane of rebellioun, etc., with certificatioun, etc."

Similar order for the shire of Fife.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is no electioun made at all of commissioners within the shirefdome of Fyfe to attend this approacheing parliament wherein some excuse wes pretendit upon the absence of the principall shireff who wes at Court for some of his Majesteis speciall effaires, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the shireff principall of Fyfe and his deputs to conveene the small barons and frehalders within the said shirefdome and at thair meeting to caus choise be made of twa commissioners, freehalders of the said shirefdome, conjunctlie and severally to be commissioners for the said shirefdome at this approacheing parliament; and that the said shireff and his deputs report ane act conteaning thair nominatioun and electioun subscryved and sealed, conforme to the Act of Parliament, to the saids Lords upon the 24 day of Aprile nixt, under the pane of rebellioun, etc., with certificatioun, etc." Fol. 201, b.

Charge for the preservation of straw in view of his Majesty's visit.

"Forsameekle as there is great necessitie that tymous provisioun be made of strae for furnishing his Majesteis hous and equerie and the noblemen and others that ar to accompanie his Majestie at his coming to this kingdome, thairfoir ordains letters to be direct charging officers of arms to pas, fence and arreist the haill strae als weill being in stackes as otherwayes within the parishes of Libberton, Duddingston, Restalrig, etc., to remaine under arreistment undispouned, sauld or putt away in anie wayes, bot that the awners thairof preserve and keepe the same for his Majesteis use, for the quhilk the awners sall receave tymous and thankefull payment frome his Majesteis Thesaurar and Deputie Thesaurar;

Acta, June 1632–June 1634. F. 351, b.

certifeing all and sindrie persons who sall breake this arreistment or dispone upon the strae so to be arreisted that they sall be callit and exemplarlie punished to the terrour of others."

Petition by Sir Alexander Home, younger, of Manderston.

"Forsameekle as the warrand formerlie grantit be the Lords of Privie Counsell to Sir Alexander Home, younger of Manderstoun, for his safe repaire and remaining within this kingdome to the effect he might take some course and order for satisfactioun of his creditours, expyres upon the last of this instant; and whereas the said Sir Alexander has been disabled frome using the benefite of the said warrand toward the satisfactioun of his saids creditours be reasoun of his necessar attendance upon his Majesteis service at Court and that he is now shortlie to come to this kingdome in companie with his Majestie where he intends, God

F. 352, a.

willing, to use his best endeavours to give all his creditours contentment, so farre as in him lyes; thairfoir the saids Lords prorogats the warrand grantit to the said Sir Alexander to the effect abonewrittin until the last day of August nixt; discharging in the meane tyme all shireffs, stewarts, bailleis of regaliteis and thair deputs, provests and bailleis within burgh and others judges, officers and magistrats to burgh and land and als all messingers of armes, of all taking, apprehending, warding or arreisting the said Sir Alexander be vertew of anie civill hornings, captiouns or other warrand execute aganis him for anie debts, dischargeing, etc."

Letter from his Majesty anent the form of his coronation.

"The whilk day James Maxuell of Innerweik, one of his Majesteis bedchamber, produced and exhibite before the Lords of Privie Counsell ane booke conteaning the forme of his Majesteis coronatioun with the missive letter underwrittin signed be the Kings Majestie and direct to the saids Lords, of the whilk the tennour followes:—CHARLES R. Right trusty and right weilbelovit cousin and counseller, right trustie and weilbelovit cousines and counsellers, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Haveing perused and approved this forme intended for our coronatioun, whiche we doe send you heerewith to the effect that all things may be prepared accordinglie in dew tyme whiche ar requisite for that purpose, our pleasure is that yow call before yow all suche persons to whome yow sall find anie charge concerning the same doeth belong and that yow give speciall order to everie ane of thame that they be carefull to discharge thair part of the said service wherewith they ar entrusted. And if anie difference be amongs thame tuicheing thair particular offices that yow so compose thame as there may be no trouble heerafter bot that the service may be performed in good order to our contentment and for the credite of that our kingdome. So remitting this to your care as a mater that doeth speciallie concerne our service, we bid yow farewell. Frome our Court at Whitehall, the fourth day of Marche, 1633. Quhilk missive and booke being read in hearing of the saids Lords, they allowed and approved of the said booke

and forme of his Majesteis coronatioun therein conteanit, and ordained the booke to be delyvered to the said James Maxuell quhilk wes accordinglie done." Acts, June 1632-June 1634. Fol. 202, a.

Anent the making of footmantles and the expenses of the commissioners for the shires.

"Missives to the shireffs to convene the freehalders within thair severall shires and there to advise what soumes of money will be requisite towards the provisioun and making of footmantles and defraying the charges of the commissioners chosin to the Parliament, and accordinglie to modifie and sett doun the soume and to distribute the same among the freehalders."[1] Sederunts, November 1629-January 1635. Fol. 102, b.

Anent the conveyance of his Majesty's baggage.

"The shireff of Bervick tooke the 24 of Aprile to report anent the carriage. Hadintoun tooke the same day. Corstorphine, comperand for Kilsythe, shireff of Clackmannan, promeist to caus the shireffs depute to undertake and report the day foresaid."

Holyrood House, 28th March 1633.

Sederunt—Stratherne; Privy Seal; Linlithgow; Wintoun; Wigtoun; Bishop of Dumblane; Bishop of the Yles; Areskine; Melvill; Tracquair; Secretary; Advocate; Sir James Baillie. Acts, June 1632-June 1634. Fol. 202, b.

Patent from his Majesty erecting the barony of Airth into an Earldom, and attaching the said Earldom to the Earldom of Menteith.

"The whilk day Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, exhibite and produced before the Lords of Privie Counsell ane patent under his Majesteis great seale bearing dait at Whitehall, the 21 day of Januar last, whereby his Majestie wes pleased, in remembrance of the worthie and faithfull services done to his Majestie be his right traist cousine and counseller, William, Erle of Monteith, President of his Majesteis Privie Counsell, to erect the lands and baronie of Airth, perteaning heretablie to the said Erle of Monteith, in ane free erledome to be callit in all tyme comming the erledome of Airth, and to annexe and unite thereunto the lands and erledome of Monteith, without prejudice alwayes of the chartour of the erldome of Monteith grantit be his Majesteis predecessour of famous memorie, King James the First, to Malissus, Erle of Monteith, and his airis, unto whome the said William, Erle of Monteith, is undoubted air of lyne and successioun served and retoured, quhilk chartour is of the dait the saxt day of September, 1428 yeeres, and in the 22 yeere of the said king his raigne. Lykeas our said Soverane Lord by his patent foresaid hes made and constitute the said Williame, Erle of Monteth, and his airis Erles of Airth and hes unite and annexed the said erledome of Monteith to the said erledome of Airth with all the liberteis, priviledges and immuniteis perteaning to ane free erledome, especiallie with the place, prioritie and precedence dew to the said Erle and his predecessours as Erles of Monteith in all parliaments, conventiouns, publict meitings and otherwayes before all erles quhatsomever made and creat since the said saxt of September, 1428; and hes ordained

[1] By an Act of the Restoration Parliament of 1661 it was ordained that the shires should provide footmantles for their commissioners, who were to restore them at the rising of the Parliament. Acts of Parl. of Scot., vi. 235, b.

Acta, June 1632-June 1634. Fol. 202, b.

the said Erle and his airis to be callit in all tyme comming Erles of Airth, and to bruike and injoy the honnours, dignitie and precedencie dew to thame be vertew of the chartour foresaid grantit to the said Malissus, Erle of Monteith, before all others, as the said patent more fully proports. Quhilk patent being read in the saids Lords audience, and heard and considderit be thame and they acknowledging his Majesteis princelie remembrance of the said Erle of Airth his faithfull services, they in humble and dewtifull obedience to his Majesteis royall pleasure and directioun allowes the said Erle and his airs to be callit in all tyme comming Erles of Airthe, and to have the rank, place, vote and precedence in all parliaments, generall counsells, privat and publict meitings, according to the date of the chartour abonewrittin grantit to the said Malissus, Erle of Monteth. Lykeas the said Erle of Hadintoun delyvered the said patent to Johne, Lord Steuart of Tracquair, Deputie Thesaurar, in name of the said Erle of Airth, whois absence upon knowne necessitie of his imployment in his Majesteis effaires, wes excused, and the said Lord Tracquair receaved the said patent in name of the said Erle of Airthe with all humble and dewtifull respect."

Fol. 203, a.

"Anent our soverane lords letters direct makand mentioun,—Forsameekle as the Kings Majestie by his letter writtin and directed to the Lords of Privie Counsell hes signified his royall pleasure and princelie commandment that without forder delay these persons who wer entrusted be the saids Lords to receave and keepe the ship of Hamborrow, callit the Jonas, and goods being therein sequestrat at his Majesteis directioun, sall delyver the same to the persons of Hamborrow having right or power frome that state to receave thame, as his Majesteis letter beiris: And anent the charge givin to Sir Patrik Hepburne of Wauchtoun, Androw Ainslie, Johne Couane, Johne, Erle of Rothes, and Sir George Hamiltoun of Blaikburne, partners in the letters of reprisall grantit to umquhill Captane Robertsone and Adam Livingstoun and Robert Forrest, who hes the trust and keeping of the goods, to have compeired personallie before the Lords of Privie Counsell; to witt, the saids partners at ane certane day bygane, and the saids Adam Livingstoun and Robert Forrest this present day, to have heard and seene his Majesteis pleasure and directioun mentiouned in the said letter satisfied and obeyed in all points, or ellis to have shawin ane reasonabill caus why the same sould not be done, with certificatioun to thame and they failyied that the desire of his Majesteis said letter sould be grantit, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof: Quhilks being called and George Arnot, Androw Ainslie and Johne Cowane compeirand personallie with the saids Robert Forrest and Adame Livingstoun, who had the trust and keeping of the goods abonewrittin, and Barthold Oldehues, skipper of the said ship, in name of the toun of Hamburgh compeirand lykewayes personallie, the reasouns and allegatiouns of the saids parteis togidder with his Majesteis missive letter foresaid direct

Anent the Hamburg ship taken by the representatives of the late Captain Robertson. See *ante*, p. 50.

frome his Majestie to the saids Lords concerning this purpose being read, heard and considderit be the saids Lords, and they being therewith weill advised, the Lords of Secreit Counsell decernis and ordains the persons foresaids compeirand to rander and delyver to the said Barthold Oldehues, skipper of the said ship, in name of the said toun of Hamburgh, the ship and goods abonewrittin, at the sight of Alexander, Erle of Linlithgow, Lord Admirall of this kingdome, unto whome the saids Lords hes remitted and remitts the modificatioun of the charges to be payed be the strangers for lebearing and keeping of the saids goods; and ordains letters to be direct heirupon if neid beis in forme as effeirs." Acta, June 1632-June 1634. Fol. 203, a.

Anent the transportation of Mr. George Nicoll, who is under sentence of banishment. See *ante*, p. 38.

"Forsameekle as there is a sentence givin and pronunced aganis Mr George Nicoll decerning and ordaining him to be banished his Majesteis dominiouns and not to returne agane within the same during his lyfe-tyme under the pane of death, as the said sentence more fullie proports; for execution of quhilk point of the said sentence the Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to caus attend the commoditie of some ship going for Flanders or France and to take the said Mr George out of thair tolbuith and to caus convoy him in suretie therefra to the toun of Leith and there to imbarke him in the said ship going for France or Flanders giving strait directioun to the maisters, skippers and mariners of the said ship that they in nowayes presoome to sett the said Mr George on land till they come to thair port in France or Flanders under the highest pane that they may incurre in that behalfe, as the saids provest and bailleis will answer upon thair obedience; quhereanent the extract of this act sall be thair warrand." Fol. 203, b.

The Earls of Angus, Erroll and Wigtoun and the coronation.

"The Lords having heard the petitioun givin in be the Erle of Angus and the Erle of Erroll as constable and the Erle of Wigtoun as great Usher tuicheing the rights and dewteis acclamed be thame in the service of the coronatioun, the Lords assignes to thame Saturday in the fore-noone in the laich counselhous of Edinburgh to give in thair clames and instruct the same." Sederunts, November 1629-January 1635. Fol. 103, a.

Edinburgh, 29th March 1633. Letter of Council to the Sheriff of Berwick requiring him to convene the small barons and free-holders of his sheriffdom and request them to pay the expenses of the commissioners who represent them in the ensuing Parliament.

"After our verie heartilie commendatiouns. Whereas it is cleerelie provided be diverse Acts of Parliament that the charges and expenses of the commissioners for the small barons and freehalders at Parliaments and Generall Counsells sall be payed be these for quhom they have place and voice at these meetings, and seing choise is made of commissioners for that shirefdome to attende at the approacheing Parliament, who must be furnished with foote mantells and apparell sutable to the dignitie of that solemnitie, these ar thairfoir to requeist and desire yow to conveene the small barons and freehalders of that shirefdome with convenient diligence and shew unto thame the necessitie of thair contributing in this earand and accordinglie deale with thame that they will willinglie condescend and agree to suche a reasonable and proportionable soume towards the charges and expensses of thair commissioners and for thair Royal Letters, 1623-33. Fol. 229, b.

Royal Letters, 1633. Fol. 229, b. foote mantells and apparelling as the importance of that great actioun and the honnour of the countrie requires, letting thame understand that if by intreatie they will not doe that quhilk in reasoun and justice they aucht to doe, that by course of law they will be compellit to doe the same. And so committing yow to God, we rest, etc. Edinburgh, 29 *Martij*, 1633. *Subscribitur*, Airth, Linlithgow, Wigtoun, Melvill.

Acta, June 1632-June 1634. Fol. 203, b.

Sederunt—Melvill, præses; Wintoun; Linlithgow; Wigtoun; Gallouay; Bishop of Dumblane; Bishop of the Yles; Areskine; Tracquair; Secretary; Sir J. Baillie. Edinburgh, 30th March 1633.

Charge to the bailies of Culross to deliver to the Lord Admira James Bowie who is accused of murdering a fellow-seaman.

"Forsameekle as James Bowie, cooke of ane ship of Dundie, callit The Hope for Grace, being lying at Kincarne within the lordship of Culros taking in salt, cruellie and unmercifullie with ane knyfe woundit to the death umquhill Andro Milne, sone to James Milne in Mylnetoun of Erroll, and one of the mariners of the said ship, upon the 25 day of Marche instant about sax of the clocke at night within the said ship; after the committing of the quhilk cruell murder he wes tane with the bloodie hand and brought to the tolbuith of the burgh of Culros, where he now remains; and whereas the tryell of this cruell slaughter is onelie proper to the Lord Admirall of this kingdome and to his office and jurisdictioun, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the bailleis of Culros, in whois waird the said James now remaines, to delyver him to Alexander, Erle of Linlithgow, Lord Admirall of this kingdome, or anie in his name having his sufficient warrand to receave him, to the intent he may be brought to the said Lord Admirall and that he may give warrand and directioun for his tryell and punishement, within 24 houres after the charge under the pane of rebellioun, etc., with certificatioun, etc."

Holyrood House, 30th March 1633.

Letter of Council to his Majesty anent a supplication of the Earl of Errol, that he as hereditary constable of the Kingdom may be allowed the privileges of his office at the ensuing coronation.

Royal Letters, 1633. Fol. 228, b. Most sacred Soverane, Your Majesteis letter of the 4th of Marche concerning your Majesteis coronatioun with the forme of the said coronatioun wes delyvered unto us upon the 26 of the said month by James Maxwell of Innerweik, one of your Majesteis bedchamber, and after perusall and reading of the said letter and forme of coronatioun, William Erle of Erroll, your Majesteis High Constable of this kingdome, finding nather himselfe nor his office anie wayes mentiouned therein did Fol. 229, a. exhibite a supplicatioun unto us setting furth that as by his office he is High Constable of this kingdome and consequentlie the cheefe swordman therein, so the ceremoneis concerning the sword ar onelie performable by him at your Majesteis said coronatioun, and that the honnours, privileges and digniteis concerning the sword ar onelie dew and proper to him in the right of his said office; and thairfoir did intreate us to mainteane him in the possessioun and exercise of his said office at the said coronatioun, as by his supplicatioun more at large may appeare. And in regarde your Majesteis said letter did require us to give order to suche

of your Majesteis officers as have anie charge in your Majesteis said coronatioun to be carefull in the executioun and discharge of thair severall services quhairwith they ar intrusted and so to compose all differences as that glorious actioun may be performed in good order to your Majesteis contentment and for the credite of this your Majesteis ancient kingdome, thairfoir we in humble obedience of your Majesteis saids directiouns have at large considderit of the said Lord High Constable his supplicatioun and of his said office and doe find that he, in the right of his place as lieutennent generall and supreme officer nixt unto his Majestie, having the command and governement of your Majesteis armie of this kingdome, and that he is onelie judge in militarie effaires and in all actions concerning the officers and companeis of the said armie and of all ryots, disorders, blood and slaughter committed within foure myles of your Majesteis sacred persoun or of your Majesteis Parliament and Counsell representing the royall auctoritie, and that unto his charge doeth belong the guarding of your Majesteis owne royall person in tyme of Parliament or coronatioun, togidder with the command of all guards or men at armes attending upon your Majestie at suche publict tymes, and that the keyes of the Parliament hous ought to be committed to his keeping, and that in tyme of Parliament he ought to ryde upon your Majesteis right hand and carie a white battoun in tokin of his command and that he ought to sitt in the Parliament hous apart frome the rest of the nobilitie upon your Majesteis right hand having the honnours lying beside him, all whiche we humbelie represent to your Majesteis royall considerationn, whereby your Majestie may be graciouslie pleased to give order for preserving the said High Constables liberteis and priviledges als weill in the coronatioun as Parliament and conventions, he being your Majesteis cheefe officer unto whome all the ceremoneis of the sword and honnors of the said office doe dewlie and properlie belong, so farre as we can learne or find by mater of record or otherwayes, and the rather becaus we doe perceave in your Majesteis said High Constable a most noble and generous zeale to imitat the honnour and glorie of his noble progenitors, whois famous and valorous actiouns in tyme of warre and wisdome and vertew in tyme of peace and at all publict solemniteis did not onelie merite and dignifie the said office bot also hes ever hitherto honorablie preserved the same in reputatioun without anie spot or blemish since thair first patent thairof grantit be King Robert the Bruce unto Gilbert, Lord Hay, first constable of that name, unto whome the said Williame, Erle of Erroll, by a long continewed descent hath lineallie succeeded in the said office after the death of manie of his noble ancestors killed in the warres and service of your Majesteis most noble progenitors, as is deservedlie recorded with commendatioun to all posteritie by the historeis and records of this your Majesteis ancient kingdome. So praying God to blesse and prosper your Majestie in all your royall effaires and with a long and happie raigne over us, we

Royal Letters, 1623-33. Fol. 229, a.

Fol. 229, b.

Royal Letters, 1633. Fol. 229, b. humbelie take our leave and sall ever rest as in dewtie bound to be, etc. Halyrudhous, *penultimo Martij*, 1633. *Subscribitur*, Wintoun, Linlithgow, Areskine, Galloway, Melvill, B. Dumblane, B. Yles, Tracquair, Arch. Achesoun, James Baillie.

Acta, June 1633-June 1634. Fol. 204, a.

Sederunt—Airthe, præses; Mar; Gallouay; Dumblane; Melvill; Tracquair; Secretary; Sir James Baillie.

Holyrood House, 2nd April 1633.

Decree of Council in accordance with the desire of his Majesty, postponing the trial of John Grant of Glenmoreston, and Patrick, John, and Duncan Grant.

"The Lords of Secreit Counsell according to ane warrand and directioun in writt, signed be the Kings Majestie and this day presented unto thame, ordains and commands his Majesteis Justice, Justice Clerk and thair deputs to continew the dyet appointed to Johne Grant of Glenmoreistoun, Patrik, Johne and Duncan Grants, his three sonnes, for thair compeirance beforet he said Justice and his deputs in the tolbuith of Edinburgh upon the 18 day of Aprile instant to underly the lawes for ressett, supplee and assistance of James Grant, brother to umquhill Patrik Grant of Carroun, and for art and part with him of diverse slaughters, heirships, thefts and oppressiouns, at lenth specifeit in the criminall letters raised aganis thame at the instance of Johne Grant of Ballindallach and his Majesteis Advocat for his Majesteis interesse, untill the twelffe day of Julij nixtocome, takand first new cautioun of the said Laird of Glenmoreistoun and his saids three sonnes for thair entrie and compeirance before the said Justice the said twelffe day of Julij nixt to underly the law for the crymes abonewrittin under the panes conteanit in the criminall letters raised heereanent, viz., the said Johne Grant of Glenmorestoun under the pane of 3000 merkes, the said Patrik Grant, his sonne, under the pane of 2000 merkes, and the saids Johne and Duncan Grants, either of thame under the pane of ane thousand merkes; and that the saids Justice, Justice Clerk and thair deputs dispense with the personall compeirance of the parteis, cautioun being found in maner abonewrittin, anent the doing whairof the extract of this act sall be unto the saids Justice, Justice Clerk and thair deputs, ane warrand. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Whereas by our letter we wer pleased to require our right trustie and weilbelovit cousine and counseller, the Erle of Tullibardin, to use his best endeavours for settling the differences amongst the name of Grant, having to that effect writtin to yow to give him your best assistance, whiche yow did, bot in regarde of the shortnesse of tyme and the remotenesse and distance betweene the dwellings of the parteis interested could not convenientlie at that tyme be effected, though (as is certified) the said Earle had takin great panes, to the end these differences may be the better takin away, we intend before our returne frome that our kingdome to caus examine thame frome the

Fol. 204, b.

beginning for certifeing us of the trew estait thereof that they may be the more easilie composed and ordered as we sall find just caus. In respect whairof and that no complaint of that kynde come before us, speciallie at the tyme of our being there, our pleasure is that all criminall causes and actiouns now depending amongst these of that name be deferred till the tyme before our said returne, and to that effect that yow give order accordinglie to our officers and others whome it doeth concerne. We bid yow farewell. Frome our Court at Whitehall, the 21 of Marche, 1633." Acta, June 1632-June 1634. Fol. 204, b.

Proclamation against the burning of heather on moors.

"Forsameekle as our Soverane Lords predecessours, considering the great hurt that the making of mureburne did produce in sindrie parts of this kingdome not onelie by corrupting of the air and destroying the floorishe of all trees and herbes neere to the parts where the mureburne wes made, if the same fell out (as commounlie it does) in the spring tyme, bot by the spoyle of all kynde of wylde foule who ar bred and fed in mures, thairfoir his Majesteis saids predecessours with advice of thair Estates in Parliament did by divers acts forbid and discharge the making of mureburne in anie part of this kingdome after the moneth of Marche yeerelie under certane panes mentiouned in the saids acts, as the same at lenth beiris. Notwithstanding whairof the Lords of Secreit Counsell ar informed that the carelesse adverting to the precise observatioun of the saids acts hes renewed the former abuse of making of mureburne at all tymes and seasouns to the great hurt of the commounweale, and if it be not looked to in tyme will make ane great skarsetie of all kynde of wylde foule this yeere when his Majestie is to honnour this his ancient kingdome with his royall presence. Thairfoir the saids Lords ordains letters to be direct to command, charge and inhibit all and sindrie his Majesteis lieges and subjects, be opin proclamatioun at the mercat croces of the heid burrowes of this realme and others places neidfull, that nane of thame presoome nor take upon hand to make anie mureburne this present yeere nor at anie tyme heerafter after the said moneth of Marche yeerelie under the panes conteanit in the acts and constitutiouns made and published heereanent of before; certifeing thame that sall failyie or doe in the contrair that they sall be callit, conveenned, persewed and punished conforme to the saids lawes with all rigour: And to command and charge all and sindrie shireffs, stewarts, bailleis of regaliteis, justices of peace, and others judges, officers and magistrats quhatsomever that they and everie ane of thame within the bounds of thair awne limits, offices and jurisdictioun have a speciall care and regarde to see this present act and ordinance preceislie keeped, and to notifie the names of the contraveenners to his Majesteis Counsell to the effect the saids contraveenners may be callit, persewed and punished accordinglie, as the saids shireffs, stewarts, bailleis, justices of peace and others magistrats foresaids will answer to his Majestie and his Counsell upon the dewtifull discharge of thair offices." Fol. 205, a.

Acta June 1632-June 1634. Fol. 205, a.

"Forsameekle as the persons underwrittin being nominat and appointed to have surveyed the hie wayes through the quhilks his Majesteis progresse in this kingdome lyes and to have givin order and directioun for repairing, mending and enlarging of the same be the labours and travellis of the persons nixt adjacent, and to have reported thair proceedings to the saids Lords at ane certane day in the moneth of Marche now bygane, they ar to say—for the bounds betweene Bervik and Dunglas the lairds of Langtoun and Blacader, Mr James Nicolsone of Colbrandspeth and the Erle of Homes baillie; for the bounds betweene Dunglas and Seatoun, the Lord Yester, the Laird of Wauchtoune, Sir Robert Hepburne and the Laird of Rouchla; for the bounds betweene Seatoun and Edinburgh the Erle of Lothiane, the Lord Ramsay, the Lairds of Prestoun, Lugtoun and Edmistoun; for the bounds betweene Edinburgh and Linlithgow the Lairds of Dundas and Corstorphin, Johne Dundas of Newlistoun and Thomas Dalyell; for the bounds betweene Linlithgow and Stirline, the Erles of Linlithgow and Wigtoun, the Lairds of Powmais and Keir; for the bounds betweene Stirline and Dumfermeline, the Erle of Mar or Lord Areskine, the Lairds of Clackmannan, elder and younger, the Laird of Tulliallane, Johne Areskine of Balgownie and Sir Johne Preston of Walifeild; for the bounds betweene Dumfermeline and Falkland, the Erle of Rothes, the Lord Burlie, the Lairds of Balvaird, Pitfirran and Randifurd and Mr Thomas Wardlaw; for the bounds betuix Falkland and Bruntilland the Lords Burlie and Wemes, the Lairds of Balvaird, Balmouto and Bafoure; lykeas missives wer directed to the persons particularlie abonewrittin for this purpose, bot they have beene so carelesse and negligent heerein as no kynde of diligence hes beene done be thame, at the least there is nane of thair diligence reported; so as this peece of service, quhilk his Majestie so earnestlie recommendit to his Counsell and quhilk imported so muche the honnour and credite of the countrie, is lyke to be frustrat and cassin louse, to his Majesteis high offence without remeid be provydit: Thairfoir ordains letters to be direct charging the persons particularlie abonewrittin to conveene and meit in maner following, viz.—these who ar appointed for the wayes betweene Bervik and Dunglas with the Laird of Blacader, and these who ar appointed for the wayes betweene Dunglas and Seatoun with the Lord Yester, and these who ar appointed for the wayes betweene Seatoun and Edinburgh with the Erle of Lothiane, and these that ar appointed for the wayes betweene Edinburgh and Linlithgow with the Erle of Linlithgow, and these that ar appointed for the wayes betweene Linlithgow and Stirline with the said Erle of Linlithgow, and these that ar appointed for the wayes betweene Stirline and Dumfermeline with the Erle of Mar or suche as he sall appoint, and these who ar appointed for the wayes betweene Dumfermline and Falkland with the Erle of Rothes or suche as he sall appoint, and these that ar appointed for the wayes betweene Falkland and Bruntilland with the

Charge to certain persons entrusted with the repairing of the highways—who have hitherto neglected to report anent the same.

Fol. 205, b.

Lord Burlie; and that they conveene with thame the shireff of the shire and conveenner of the justices of peace within the same and that they ryde the hie wayes through whiche his Majesteis progresse will ly and consider what parts thairof need ather to be enlarged or mended, and that they prescryve and publishe the order quhilk sall be found most meit and readie to repair all thir necessar defects upon the charges and travellis of the inhabitants within the saids bounds; and that they make report of thair proceedings heerin dewlie and formallie in writt to the Lords of Privie Counsell upon the 24 day of Aprile instant under the pane of rebellioun, etc., with certificatioun, etc." Acta, June 1632-June 1634. Fol. 206, a.

Anent those who still continue to destroy wild fowl.

"The Lords of Secreit Counsell gives and grants full power, warrand and commissioun be thir presents to the Lords of the Committee appointed for giving directiouns anent his Majesteis heerecomming to call before thame the transgressours of the proclamatiouns made anent wylde foule and to censure and punishe thame accordinglie."

Anent persons who still continue to buy and sell wild fowl.

"The Lords of Secreit Counsell gives and grants warrand to Johne, Lord Steuart of Tracquair, Deputie Thesaurar, to caus apprehend and committ to waird within the tolbuith of Edinburgh suche persons as wer cited to this day for buying and selling of wylde foule and compeired not."

Thomas Wilkie, poultry-dealer.

"Thomas Wilkie, powtrieman, sworne, deponis upon his great oath that nather he, his wife, nor nane at his directioun sold nor bought anie powtrie since a fourteene dayes before the proclamatioun." Sederunts, November 1629-January 1635. Fol. 103, b.

John King, poultry-dealer.

Johne King, powtrieman, sworne upon his great oath, made the lyke depositioun."

Holyrood House, 5th April 1633.

Charges to the lieges to support James Hopper of Bourhouses, "harbinger" of his Majesty, in the discharge of his office.

"Forsameekle as choise is made of James Hopper of Bourhouses to be his Majesteis gentleman harbenger during his Majesteis abode in this kingdome for designing, marking and taking of ludgeings, houses and stables for his Majesteis tryne and followers through all the parts of this kingdome where his Majesteis progresse will ly, quhairfoir necessar it is that he be acknowledged in all and everie thing concerning his charge and that no oppositioun be made unto him; for quhilk purpose ordains letters to be direct charging all his Majesteis lieges and subjects whome these presents doe or may concerne, to reverence, acknowledge and obey the said James Hoppar and his deputs and servants in all things belonging to his charge and office, and for this effect to make thair houses and stables patent and opin to thame and to suffer thame to designe and marke the same to suche of his Majesteis tryne as they sall appoint, and that they receave in thair houses the persons to be directed and allotted unto thame, and that they in no wayes presoome after the marking of thair houses and stables to receave anie others in thair houses and stables but suche as sall be allowed and allotted for thame. And if anie persoun or persons sall or darre presoome to oppose or gainstand the directions of his Majesteis said harbenger in anie point concerning his charge, to Acta, June 1632-June 1634. Fol. 206, a. Fol. 206, b.

Acts June 1633-June 1634. Fo. 206, b.

charge all magistrats to burgh and land, within whois bounds the dissobedient persons dwellis, to apprehend thair persons and committ thame to waird till directiouns be givin for thair forder punishment, as the saids magistrats will answer upon the dewtifull discharge of thair offices."

Sederunt—Privy Seal; Mar; Wintoun; Linlithgow; Wigtoun; Lauderdaill; Bishop of Ros; Areskine; Melvill; Secretary; Sir James Baillie. Edinburgh, 24th April 1633.

Warrant to Sir John Hepburn for levying 1200 men for service under the King of France.

"The Lords of Secreit Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie, and this day presented to thame, gives and grants full power and commissioun to Sir Johne Hepburne, knight, or to anie other whome he sall appoint, to levey and take up in this kingdome ane regiment of twelffe hundreth men out of all suche persons within the said kingdome as he sall find willing to goe with him, and to transporte thame to the kingdome of France for the service of his Majesteis darrest brother, the Frenche king, and to be ane standing regiment there;[1] with power to him for this effect to nominat and appoint captans and all others officers and members of the said regiment of twelffe hundreth men, and to caus towcke drummes, displey cullours and to doe and performe all and everie other thing quhilk toward the leveying and transporting of the said regiment is necessar; he alwayes giving suche satisfactioun to everie ane of the said regiment as sall be agreed upon betuix him and thame conforme to the custome in the like caises: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin: Charging heirby all magistrats to burgh and land and others his Majesteis subjects to acknowledge the said Sir Johne Hepburne in this charge and trust committed unto him and to forder him in everie thing tending to the leveying and transporting of the said regiment of twelffe hundreth men. And if anie persoun or persons quhatsomever sall inroll thameselffes and take his pay and thereafter sall abandoun thair charge and steale away, that than and in that caise the saids magistrats to burgh and land doe justice to the said Sir Johne, his captans, officers and commanders, aganis thir fugitive and runne away soldiours conforme to the lawes of this kingdome, as they will answer upon the dewtie of thair offices. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and trustie and weilbelovit counsellers, we greit yow weill. Whereas we wer formerlie pleased to give order that no levey of men whatsoever for anie forrane part sould be made within that

Fo. 207, a.

[1] In 1633 there had been a *rapprochement* between Charles and Richelieu, who had adopted the policy of supporting the German Protestants against the Emperor in the Thirty Years' War.

our kingdome unlesse a speciall directioun wer givin frome us of new for that purpose, we will yow still to continew the same course. But considering that the standing regiment demanded by Sir Johne Hepburne, knight, for the service of our brother, the Frenche king, is of another nature, the interteanement whairof being to be continued may serve to good use for sindrie of the subjects of that our kingdome, in regarde of this and other causes knowne unto us, our pleasure is that yow grant unto the said Sir Johne Hepburne, or to anie other whom he sall appoint, ane commissioun with ane sufficient warrand to levey and transport twelffe hundreth men for the purpose abonesaid of all suche persons within that our kingdome of Scotland as he sall find willing to goe with him thither, granting him libertie to towcke drummes for that purpose, with als large priviledges as anie general, colonell or commander hath had heeretofore in the lyke kynde, he alwayes giving suche satisfactioun to everie ane of the said nomber as sall be agreed upon betuix him and thame according to the custome in the like caises; for doing whairof these presents sall be unto yow a sufficient warrand. Frome our Court at Whitehall, the 28 of Marche, 1633." Acta, June 1632-June 1634. Fol. 207, a.

Charge to the small barons and free-holders to pay the expenses of the commissioners who represent them in Parliament, and specially to provide footmantles for the said commissioners.

"Forsameekle as by divers Acts of Parliament made by our soverane lord his royall progenitours of good memorie it is cleerlie provided, statute and ordained that the charges and expenses of the commissioners to be directed from the small barons and frehalders of the severall shirefdoms of this kingdome to Parliaments sall be defrayed and payed be the saids small barons and frehalders, as in the saids acts at lenth is conteanit; and whereas the unwillingness of manie of the small barons throughout the severall shirefdomes of this kingdome to contribute to this so necessar ane earand, importing the saids small barons so neerelie in honnour and credite, hes beene ane great lett and hinder to these who wer nominat commissioners to accept and attend that charge, whereupon hes followed the hinder and disappointing of his Majesteis service, wherein oftymes the saids small barons pretendit excuses that there wes no cleere soume sett doun for the charges and expences of the saids commissioners, and that thairfoir they know not how to contribute in suche ane earand, for removing of the quhilk pretendit doubt and to take away all excuses that the saids small barons and freehalders may pretend in this caise heerafter, the saids lords hes for this present yeere modified to everie commissioner who sall be directed frome the small barons and frehalders of eache shirefdome of this kingdome to this approacheing parliament allanerlie the soume of 300 merks, whilk will make for eache shirefdome where there is twa commissioners 600 merkes. And by and attour this soume, quhilk is onelie destinat and appointed for the ordinar charges and expenses of the saids commissioners, it is lykewayes ordained be the saids Lords that each commissioner for everie shirefdome sall have ane footmantell of velvet pasmented as accords, whilk will make two foot mantells for eache shirefdome, and that thir Fol. 207, b.

Acta, June 1632-June 1634. Fol. 207, b.

footemantells sall be the proper footemantells of the shirefdome, and that at everie head court efter Michaelmes thir footemantellis sall be delyvered by these who wer commissioners the yeere preceeding to these who sall be nominat to be commissioners for the succeeding yeere, and that the expences of thir footemantellis sall be lykewayes payed be the saids small barons and freehalders. And for this effect the saids Lords ordains letters to be direct charging the haill shireffs within this kingdome to conveene the small barons and freehalders of the same with all convenient diligence, and at thair meitings to propone and shaw unto thame this present act and ordinance, and accordinglie to deale and travell with thame to sett doun a competent price for twa velvet footemantellis for everie sherifdome and to joyne the said price of the footemantellis to the allowance and modificatioun of 300 merkes modified and sett doun be the saids Lords for the charges of eache commissioner and to make ane proportionall distributioun of the said haill soume both for footemantells and charges of the commissioners amongs the pund lands of everie shirefdome, appointing suche a soume to be payed out of the pund lands as will correspond and answer to the soumes particularlie abonewrittin, and to charge the small barons and freehalders within everie shirefdome to conveene and meit with the saids shireffs at the dayes and places of meiting to be appointed be thame and there to concurre and joyne with thame in setting doun the prices of the footemantells and in distributing of the saids prices with the others charges foresaids of the commissioners amongs the pund lands perteaning to the said small barons and freehalders, to the intent that letters may be direct for payment of this important and necessar contributioun out of the lands and rents perteaning to the saids small barons and freehalders; and that the saids shireffs report thair diligence heerin to the saids Lords betuix and the 15 day of May nixt to the intent the saids Lords may thereafter take suche course and order for payment of the said contributioun by letters of horning and otherwayes as they sall think meit."

Fol. 208, a.

"Forsameekle as the forestalling and regraiting of mercats is a cryme most hurtfull and pernicious in a commoun weale and tending to the fostering and interteaning of dearth and contempt of all good order and governement, and hes thairfor beene verie straitlie prohibite be diverse Acts of Parliament made be his Majesteis predecessours of famous memorie, in the quhilks acts it is speciallie found and declared that whoever buyes or causes buy anie merchandice, victuall or other goods whatsomever comming be land or water to anie faire or mercat to burgh or land to be sauld frome anie part within or without this kingdome, or who makes anie contract or promise thereanent before the goods be brought to the faire or mercat place to be sauld, or who sall make anie motioun be word, writt or message for raising of the prices or deerer selling of anie of the saids goods, or who sall disswade or move anie persouns comming to faires or mercats to bring thair commoditeis thereto,

Proclamation against regraters and forestallers.

sall be repute, haldin, esteemed and judged as forestallers, and who ever getts in thair possessioun in anie faire or mercat anie kynde of vivers quhilks sall be brought to be sauld and sellis the same over againe in anie faire or mercat haldin in the same place or in anie other faire or mercat within foure myles thairof sall be repute and haldin regraters, as in the saids acts conteaning divers others clauses for restreaning this pernicious and wicked abuse of regrating at lenth is conteanit. And whereas the bypast oversight and impunitie givin to persons formerlie offending in this kynde hes givin boldnesse and encouragement to nombers of base and unworthie people still to continew in that unlawfull and wicked trade, especiallie within the burgh of Edinburgh, Leith, the Cannogait, West Port, Potterraw, Pleasance and others parts about the burgh of Edinburgh, where diverse base fellowes, powtrie men and others attends and awaites upon the hie streits leading to the said burgh and there rancountering with the persons bringing in wylde foule, powtrie and others commoditeis and vivers to the mercat of Edinburgh they there buy the same at small and unworthie prices, brings the same quyetlie to the burgh of Edinburgh and suburbs thairof and keepes the same in thair houses and sellers, brings out the same in small parts and portiouns to the mercat and pretending a skarsetie quhair they have abundance and sufficiencie in thair sellers and houses they hight and raise the prices at thair unruelie appetites, shamefullie and mischantlie abusing his Majesteis good subjects, and fosters and interteanes both a skarsetie and dearth of these kynde of commoditeis; and if some course and order be not tane with thame for restraining of thir pernicious and mischant abuse foresaid, speciallie at this tyme of his Majesteis comming to this kingdome, thir wicked and mischant fellowes will abuse the countrie and foster and interteane ane artificiall dearth and skarsetie of thir commoditeis and vivers, to the discredite of the natioun and hurt of the subjects. Thairfoir ordains letters to be direct charging officers of armes to pas to the mercat croces of the burgh of Edinburgh and all others places neidfull, and there be opin proclamatioun to mak new intimatioun of the Acts of Parliament formerlie made aganis forestallers and regraters, and accordinglie that yow command, charge and inhibite all and sindrie his Majesteis lieges of what conditioun so ever they be that nane of thame presoome nor take upon hand anie longer to use this pernicious and wicked trade of regraiting and forestalling, and that they buy no kynde of wilde foule nor tame foules nor no other kynde of vivers comming to the burgh of Edinburgh or to anie other burrow touns or commoun mercats within this kingdome till the same be brought be the countrie people to the mercat place and there sauld be thame in parcellis to his Majesteis subjects: Commanding heirby the provest and bailleis of Edinburgh, Leith, Cannogait, West Port, Potterraw, and of all others burrowes and touns within this kingdome, who ar constitute his Majesteis justices and commissioners for

Acta, June 1632–June 1634. Fol. 208, a.

Fol. 208, b.

Acts, June 1632-June 1634. Fol. 208, b.

execution of the saids Acts of Parliament, that they and everie ane of thame within thair severall bounds, offices and jurisdictiouns have ane speciall care to see the saids Acts of Parliament preceislie keeped within thair bounds and this pernicious and wicked trade of forestalling exactlie tryed and punished, conforme to the saids acts, as the saids provests and bailleis will answer to the saids Lords of Privie Counsell upon the dewtifull discharge of thair offices and at thair highest charge and perrell."

Charge to certain persons who have built stables against the walls of his Majesty's gardens at Falkland to appear before the Council.

"Forsameekle as the Lords of Secreit Counsell ar informed that hes bigged stables upon the walls and gardens of his Majesteis palace of Falkland quhairby they have farre impeded and hindered the passage to his Majesteis said palace and hes so obscured the sight to the entrie and port of his Majesteis palace as is most disgracefull to the same; and whereas it is ane great and intolerable presumptioun that anie persoun durst have presoomed to have bigged anie kynde of houses upon the wallis of his Majesteis gardens and orchards without ane lawfull warrand and right established in thair persouns, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids persouns to compear personallie before the saids Lords upon the fyftene day of May nixtocome bringand and produceand with thame the rights, titles and securiteis, if anie they have, toward the bigging of the saids stables, to be seene and considderit be the saids Lords and to heare and see suche order tane thereanent as the saids stables may be demolished, cassin doun and tane away, or ellis show a reasonable caus why the same sould not be done, and that they compeir personallie to the effect foresaid under the pane of rebellioun, etc., with certificatioun, etc."

Fol. 209, a.

Charge to the Sheriff and the Convener of the Justices of Peace in the shire of Haddington anent the conveyance of his Majesty's baggage through the said shire.

"Forsameekle as altho the mater of his Majesteis carriage be one of the most important peeces of service that will occurre in his Majesteis whole progresse throughout this kingdome and must be perfytted be the inhabitants of the particular parishes within the shirefdomes through quhilks his Majesteis progresse will ly, and that for this effect the shireff of Hadintoun and the conveenner of the justices of peace within the same wer earnestlie writtin unto be the Lords of Privie Counsell to have resolved uppon some solide and settled course, with the concurrence of the justices of peace, barons and gentlemen of the shirefdome, for lifting of his Majesteis carriage at Dunglas and carying of the same to Seatoun, as wes done when his Majesteis darrest father of blessed memorie came to this kingdome, the saids Lords ar informed that the said shireff and conveenner of the justices of peace hes verie farre slighted and neglected the directiouns sent unto thame concerning this mater and hes done little or no diligence at all therein, so as by appearance the service of the carrage for that shirefdome of Hadintoun, quhilk will be the secund service that will occurre in his Majesteis progresse heir, is lyke to be frustrat and disappointed, to the great discredite and shame of the countrie and to the reproache of the gentlemen and others

of the shirefdome, who wer thought to be inferiour to no others of his Majesteis subjects in all points of submissive dewtie and obedience to his Majestie, without remeid be provydit: Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the shireff of Hadintoun and his deputs and the conveenner of the justices of peace within the same to conveene the remanent justices of peace and the barons, gentlemen and freehalders within the said shirefdome at the burgh of Hadintoun upon the day of , and at thair meeting that they resolve and conclude upon some solide and sure course for the lifting of his Majesteis carrage at Dunglas and bringing of the same therefra to Seatoun, and for that effect that after notice takin and constables elected that they appoint and prescryve what nomber of hors provided for carrage everie parish within the said shirefdome will furnishe, and that they make and sett doun ane perfyte note thereupon in writt and delyver the same to the maister of his Majesteis carrage, and that the nomber of hors for everie parish extend to the double of that nomber quhilk wes furnished in 1617 yeere of God, quhairof they sall receave note under the hand of the Clerk of the Counsell: And siclyke to command and charge the barons, gentlemen and fewers in the severall parishes of the said shirefdome be opin proclamatioun at the mercat croce of Hadintoun to conveene with the said shireff and conveenner of the justices of peace the day and place foresaid and to concurre and joyne with thame in all and everie thing tending to the furtherance and advancement of his Majesteis service in the carrage, under the pane of rebellioun, etc., with certificatioun, etc.; and forder under the pane to be callit and conveenned before his Majesteis Counsell and exemplarlie punished as slighters and contemners of his Majesteis service with all rigour and extremitie to the terrour of others to committ the like." Acta, June 1632-June 1634. Fol. 209, a. Fol. 209, b.

Charge by the Council anent the conveyance of his Majesty's baggage through Roxburghshire and Berwickshire.

"Forsameekle as the Shireff of Bervick, according to ane warrand and directioun sent unto him be the Lords of his Majesteis Privie Counsell, hes tane particular notice of the nomber of hors for carrage and of thair furniture that everie parish within the said shirefdome may convenientlie furnishe for lifting and carying of his Majesteis carrage fra Berwick to Dunglas and hes made and presented to the saids Lords ane roll of the saids parishes conteaning the nomber of hors designed to everie parish with the names of the persons that ar appointed to be constables in the parish and to have the charge to caus the hors of the parish be in readines for lifting of his Majesteis carrage at the tymes and places to be appointed, that is to say—for the parish of Lennell, where Johne Thomesone and Harie Mader are nominat to be constables, fyve score sax hors; for the parish of Eckles, where Johne Home in Lietouny, Peter Cranstoun in Tofts, and Robert Corser in Hassintoun ar nominat constables, sevin score foure hors; for the parish of Ladykirk, where George Parke in Harden and Raufe Trotter in Ladykirk ar nominat constables, threttie hors; lykeas Sir George Ramsay of Wyliecleuche undertooke for

Acts, June 1632-June 1634. Fol. 209, b.

thir three parishes abonewrittin to caus the nomber of horses abone specifeit be in readines at the tymes and places to be appointed; for the parish of Fogo, where Robert Trotter in Fogo and Johne Trotter in Calfward ar nominat constables, fourtie aucht hors aud foure cairts; for the parish of Home, where Nicoll Bruntfeild in Home and Adame Trotter there ar nominat constables, twentie foure hors; lykeas Cockeburne of Rysla undertooke for thir twa parishes to have the nomber of hors abonewrittin in readines at the tymes and places to be appointed; for the parishes of Gordon and Bassindene, where George Broun in Bow and William Ellen in Bassindene ar nominat constables, three score sax hors; lykeas Alexander Cranstoun of Morestoun and of Wedderlie undertooke to have the nomber of hors givin up in thir twa parishes in readines at the tymes and places to be appointed; for the parish of Ersiltoun, where George Pringle is nominat constable and who also undertakes to have the number of horses allotted to that parish in readines, fiftie hors; for the parish of Ligertwod, where Richard Fraser in Ligertwod is nominat constable, twentie sax hors; lykeas

Fol. 210, a.

Cranstoun of Corsebie undertooke to have the nomber of hors given up in this parish in readines at the tymes and places to be appointed; for the parishes of Coldinghame and Eymouth, where Johne Richartsone, messenger, and Johne Rentoun in Eist Restoun ar constables, sevin score foure hors and 20 cairts; lykeas the Laird of Rentoun undertooke to have the nomber of hors and cairts allotted for this parish in readines at the tymes and places to be appointed; for the parish of Aittoun, where James Wight in Aittoun and Johne Haistie in Quhitrig ar constables, 48 hors and 16 cairts; lykeas Alexander Home undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parishes of Lamertoun and Mordingtoun, where Alexander Torres and William Meslane in Lamertoun ar nominat constables, 20 hors and 4 cairts; lykeas Johne Rentoun undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Chirneside, where George Broun in Chirneside and David Cowane in Edingtoun ar nominat constables, 66 hors and ten cairts; lykeas of Edingtoun undertooke to have the hors and cairts givin up in this parish in readines at the tyme and places to be appointed; for the parish of Foulden 24 hors and 6 cairts; lykeas Johne Wilkie in undertooke to have the hors and cairts givin up in readines at the tymes and places to be appointed; for the parish of Edrem, quhair James Lamb in Lambismylne and Robert Jaffrey in Blacader ar nominat constables, foure score aucht hors and ellevin cairts, lykeas the Laird of Blacader undertooke to have the hors and cairts givin up in this parish in readines at the tyme and places to be appointed; for the parish of Huttoun, where James Aitkine in Fisheweik and Johne Hoggert in Paxtoun ar nominat constables, 46 hors and 3 cairts, and the Laird of Blacader undertooke to have the hors

and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Swintoun, where David Cas and David Robertsone in Swintoun ar nominat, 44 hors and 7 cairts; and for the parish of Hiltoun, where Henrie Strang is nominat constable, 12 hors and ane cairt; lykeas the Laird of Swintoun undertooke to have the hors and cairts givin up in thir twa parishes in readines at the tymes and places to be appointed; for the parish of Greinlaw, where James Ridpeth in Greinlaw and Alexander Trotter in Howlaires ar nominat constables, 50 hors; lykeas of Rowingstoun undertooke to have the hors and cairts givin up for this parish in readines at the tymes and places to be appointed; for the parish of Polwart, where Androw Swanstoun is nominat constable; 16 hors and twa cairts; lykeas George Home undertooke to have the hors givin up for this parish in readines at the tymes and places to be appointed; for the parish of Colbrandspeth and Aldcambes, where James Tait in Colbrandspeth and Johne Robertsone in Aldcambes ar nominat constables, 52 hors and 6 cairts, whairof 42 hors for Colbrandspeth and 12 hors and twa cairts for Aldcambes; lykeas Mr James Nicolsoun of Colbrandspeth undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Butterdane, where Alexander Broun is nominat constable, 8 hors and one cairt; lykeas Cockeburne of Butterdane undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Langtoun, where Johne Fortoun in Stobswod and Williame Hunter in Langtoun ar constables, 40 hors and 6 cairts; lykeas the Laird of Langtoun undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Longformachus, where Johne Andersone is nominat constable, sax hors and one cairt, and for the parish of Cranscharkes and Reburn, where Robert Swintoun and Williame Robertsone in Bowingtree ar nominat constables, 8 hors and twa cairts; lykeas the Laird of Langtoun undertooke to have the hors and cairts givin up in thir twa parishes in readines [at] the tymes and places to be appointed; for the parish of Dunce, where Thomas Balfoure in Dunce and Cuthbert Younger there ar constables, 80 hors and ten cairts; for the parish of St Bothans, where James Suddes is nominat constable, 8 hors; for the parish of Ellem, where Androw Fortoun in Dyishauche is nominat constable, 20 hors; lykeas the Laird of Wedderburne undertooke to have the hors and cairts givin up for thir three parishes in readines at the tymes and places to be appointed; for the parish of Quhitsome, where James Innerweik and Johne Jaffrey in Quhitsome ar nominat constables, 38 hors and 4 cairts; for the parish of Simpren, where George Broun is nominat constable, ellevin hors and one cairt; lykeas the Laird of West Nisbit undertooke to have the hors and cairts givin up for thir twa parishes in readines at the tymes and places to be appointed; for the parishes of Bonkill and Prestoun,

Acta, June 1632-June 1634. Fol. 210, a.

Fol. 210, b.

Acts, June 1632-June 1634. Fol. 210, b. where James Gray in Lintlawes and Patrik Scot in Prestoun ar nominat constables, 64 hors and sax cairts; lykeas the Laird of Cumledge undertooke to have the hors and cairts givin up for this parish in readines at the tymes and places to be appointed. Lykeas the baron[s] within the Fol. 211, a. said shirefdome nominat and elected the persons underwrittin, they ar to say, Patrik Cockeburne of Chappelcleuche and Johne Smith to be generall constables for the haill shirefdome, to witt the said Patrik Cockeburne for the east end of the Merce be east Quhittitoure and the said Johne Smith for the west end of the Merce be west Quhittitoure. Lykeas alsua the shireff of Roxburgh according to the charge and directioun givin to him hes tane the like notice of the nomber of hors for carrage quhilk everie parish in the east part of Tiviotdaill may furnishe that is to say, for the parish of Kelso, where Alexander Pringill is nominat constable, and for Maxwelheuche, where Androw Parke is nominat constable, and for Broxfeild, where Williame Gray is nominat constable, 56 hors; and for the parish of Sproustoun, quhair James Parke is constable for the Earle of Roxburghs part, and quhair George Davidsoun called Burges is nominat constable for the Lord Cranstouns part, and where Alexander Halden is nominat constable for Lempitlaw, and where Androw Ker of Tochester is nominat constable for Halden, 40 hors among thame; lykeas Ker of Broomlands undertooke that the nomber of hors givin up for thir twa parishes sall be in readines at the tymes and places to be appointed; for the parish of Smailholme and for the Erle of Roxburghs part thairof, where Johne Wilsone is nominat constable, sevin hors; and for the Lord Cranstoun and his vassalls part, where George Quhyte is nominat constable, ten hors; for Gallasheills part, where Johne Rutherfurde is nominat constable, sevin hors, *inde* 24 hors; for the parish of Ednem, quhair Johne Smith and William Broun ar constables, 25 hors; and for the parish of Stitchell, where Robert Donaldsone is constable, 25 hors; and for the parish of McKairstoun, where James Fuird is constable, 20 hors, for the parish of Roxburgh, where Johne Blaikie and James Lumsdells ar constables for the Erle of Roxburghs part, and where Johne Moffet is constable for Hietoun Finlay and Farningtoun, 25 hors; lykeas Androw Ker of Massindew undertooke to have all thir hors givin up, as said is, in readines at the tyme and places to be appointed; for the parish of Eckfurde, where Johne Harlaw is appointed constable for the Ladie Bothuel her part, whilk is the fourt, ten hors; and for the Erle of Roxburgh his part of Cavertoun and Cessfurde, where Williame Kae is constable, and quhair David Ormestoun is constable for Ormestoun, 30 hors; and Rutherfurde, Mowmaynes and Mersingtouns lands ar joynned to make up thir 30 hors; *inde* out of Fol. 211, b. Eckfurde 30 hors; lykeas the goodman of Roxburgh undertooke to make the hors givin up for this parish to be in readines at the tymes and places to be appointed, except for the Ladie Bothuells part; for the parish of Crailling, where Adam Mader is constable, aucht hors; and

for Nisbit, where Johne Baxter is constable, aucht hors; *inde* 16 hors; lykeas Androw Dowglas undertooke for the aucht hors out of Crailling and Thomas Ker of Ancrome undertooke for the aucht hors out of Nisbit that they sall be in readines at the tyme and place to be appointed: for the parishes of Yettam and Marbottill, quhair George Alexander is constable for Marbottill, and Androw, *alias* Dand Tait, is constable for Yettam, and Johne Burne is constable for the Erle of Roxburghs part, 24 hors; lykeas Ker of Lochtoure undertooke to have the hors givin up for Marbottill in readines, and the goodman of Roxburgh undertooke that the hors givin up for Yettam sall be in readines at the tymes and places to be appointed; for the parish of Lintoun, where Nicoll Young is constable for Lintons part and Walter Ker for the Erle of Lothians part and Androw Ker for Gradens part, 12 hors: Lykeas the said shireff nominat and appointed Johne Rutherfurde, messinger, to be generall constable for East Tiviotdaill, as in the acts made to this effect at lenth is conteanit. And whereas thir persons abonewrittin who ar givin up to furnishe the nomber of cairts respective abonespecifeit ar bound in dewtie to have thair hors, cairts and others instruments and necessars for carrage in readines at Beruick upon the day of Junij nixtocome airlie in the morning and thair to lift his Majesteis carrage and to carie the same thairfra to Dunglas or otherwayes as they sall be directed for that day be the maisters of his Majesteis carrage, nevertheles the Lords of Secreit Counsell apprehends that some undewtifull persons will ly backe and shunne this service and nather bring nor send thair hors to Bervick for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is lyke eneugh that a part of his Majesteis carrage will ly behind, to the discredite and shame of the hoall natioun without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging the parochiners of the haill parishes particularlie abonewrittin and constables appointed for eache parish, and the undertakers particularlie abonespecifeit that they and everie ane of thame doe and performe that quhilk to thair charge and dewteis in the service foresaid apperteanes, and for this effect that they direct and send and caus the nomber of horses abonespecifeit, appointed and allowed for everie parish weill furnished with all things necessar for carradge, be at the toun of Beruick upon the said day of Junij nixtocome before three of the clocke in the morning, and there to lift his Majesteis carradge and carie the same therefra to Dunglas or otherwayes as they sall be directed be the maister of the carradge, upon his Majesteis charges and expenses, under the pane of sax punds for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majesteis carrage, as said is: And to command and charge the generall constables of the shire to poynd the readiest goods and gear of the persons dissobeying for the said soume of sax punds for everie hors that sall be absent and sall not keepe the precise tyme and place of meiting

Acta, June 1632-June 1634. Fol. 211, b.

Fol. 212, a.

Acts, June 1632-June 1634. Fol. 212, a.

at the sight and directioun of the maister of his Majesteis carrage, and to make the said soume furthcummand to these whom the saids Lords sall appoint in this earand: And siclyke to command and charge the constables of eache parish to bring with thame and to delyver to the maisters of his Majesteis carrage ane list and roll of the nomber of horses that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the awners of the absent horses may be punished for thair failyie and dissobedience by poynding for the saids sax punds, as said is; certifeing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurre the said pane of sax punds for everie absent hors, or not givin up be thame as absent, and sall be punished for the same accordinglie."

Charge anent the highways of the sheriffdom of Linlithgow.

"Forsameekle as Alexander, Erle of Linlithgow; Sir George Forester of Corstorphine, shireff of Edinburgh; Sir Walter Dundas of that Ilke, Johne Dundas of Newlistoun and Thomas Dalyell of Manerstoun, shireff of Linlithgow, being nominat and appointed be the Lords of Secreit Counsell to survey and ryde the bounds betuix Edinburgh and Linlithgow through quhilks his Majesteis progresse will ly, and to tak notice and to informe thameselffes what parts of the saids wayes needed to be enlarged and repaired and made passable for horses and coaches and to subscryve and sett doun ane order quhilk they sould find most meit and readie to repare all these necessar defects upon the charges and expences of the inhabitants within the saids bounds, and to have reported thair proceedings dewlie and formallie in writt to the saids Lords upon this present 24 day of Aprile instant, the saids commissioners for obedience of the charge and directioun givin unto thame in this mater, having riddin the saids hie ways and remarked what needed to be enlarged or repaired therein they have givin in thair report to the saids Lords for the shirefdome of Linlithgow as followes, to witt—They have found that at the marche betuix Catelbeck and Carlowrie there is ane evill gait whilk must be helped be calsey or ane bridge, and that the calsey beside Todshauche must be lifted and layed of new, and that at the east end of Kirklistoun at the foote of the east part the bounds to be calseyed throw the haill toun to the foote of the west peth and to be aucht foots of breadth, and that the peth be west Kirklistoun be dicht and made cleane, and that the holes be filled and stones removed fra it; and that the way fra the east end of George Grayes house to the west end of Nicoll Smiths hous be calseyed; quhilk the said Johne Dundas of Newlistoun tooke in hand to doe; and fra thyne furth that the wayes quhilks comes fra the marche of Over Newlistoun and the meyne bridge betweene Dundas lands and Newlistouns lands be repaired and helped, and that the cotters bridge be calseyed at the south end ten rude south ward alongs the burne side and that the northside be calseyed twa rude; that the old calsey on the south side of Wincheburgh and the south end thairof be repaired and made new a rude or twa at ilke end longer nor it is; and that the

Fol. 212, b.

way throw Ald Cathiemure be calseyed sax rude; and the rest of the way to be dicht and clodded and stones tane out thairof; that the west end of the three myle hous be calseyed three rudes in lenth betweene the houses; that the way forenent Peter Drummonds hous be calseyed three or foure rudes; that the Pilgrims hill and that part thairof quhilk wes mended laitlie be helped of new agane and cassin fra the heid of the peth thairof to the Magdalene Burne. And whereas the haill wayes betuix Edinburgh and Linlithgow ar encroached upon and diminished the breadth thairof lesse nor the Act of Parliament, they ordained thame all to be enlarged agane and the haill wayes to be dicht and made cleane of all hills, braes and stones, as the report of the saids commissioners beiris. And forder they having considderit that there is now greater danger in the hie wayes nor wes in the tyme of our soverane lords umquhill darrest father of blessed memorie by decayed bridges and brokin calseyes qnhilks ar necessar to be helped and bigged and new calseyes to be made whilk cannot be done but great charges and expenses; thairfoir the saids commissioners thought meit and expedient that the same sould be done be ane taxatioun to be imposed upon the haill lands whatsomever lying within the said shirefdome of Linlithgow and haill bounds thairof, as the report of the saids commissioners shawin to the saids Lords beiris. Quhilk report being read, heard and considderit be the saids Lords and they allowing of the panes and travellis tane be the saids commissioners and of the course and order sett doun be thame for repairing of the saids hie wayes; and whereas yett they have not condescended particularlie what charges the perfytting of thir workes will necessarlie require and how the saids charges sall be imposed upon the inhabitants of the shirefdome, thairfoir the saids Lords ordains the saids commissioners to conveene and meit of new within the burgh of Linlithgow upon the sevint day of May nixt, and there to resolve and conclude upon some certane soume for repairing of the saids hie wayes and helping and mending of the bridges within the said shirefdome and how and be whome the said soume sall be payed; and to sett doun thair report in writt heereanent to the Lords of his Majesteis Privie Counsell betuix and the 15 day of May nixt to the intent the saids Lords may direct letters of horning for payment of the said soume in forme as effeirs."

Acta, June 1632-June 1634. Fol. 212, b.

Fol. 213, a.

Anent the conveyance of his Majesty's baggage through the shires of Linlithgow and Stirling.

"The Lords of Secreit Counsell finds it meit and expedient that the inhabitants within the lordship of Culros, the lands of Crombie, Sauline and Cults sall concurre and joyne in the lifting of his Majesteis carrage fra Stirline to Dumfermeline; and that the parishes of Bothkenner, Fawkirk, Denny, Morvinside, Slamanna Mure, Airth, Donypace sall concurre and joyne in lifting of his Majesteis carrage fra Linlithgow to Stirline."

Anent the same.

"The Lords declares and ordains that the inhabitants of West Lothiane sall lift his Majesteis carrage at Halyrudhous and carie the same thairfra to Linlithgow."

Acta, June 1632-June 1634. Fol. 213, a.

"The Lords for the better forderance and advancement of the service of the carrage ordains and commands the generall constables within everie shirefdome to poynd for the soume of sax punds for everie hors that sall be absent fra the service of the carrage and to make the same furthcummand to these whome the saids Lords sall appoint to receave it." Anent horses for his Majesty's baggage.

Fol. 213, b.

"Forsameekle as Williame, Erle of Lothiane, Williame, Lord Ramsay, Sir Johne Hamiltoun of Preston, David Crichtoun of Lugtoun and Mr James Raith of Edmistoun being nominat be the Lords of Secreit Counsell commissioners for surveying and ryding the hie wayes betuix Seatoun and Edinburgh and fra Seatoun to Dalkeith and frome that to Edinburgh, and to have considderit what parts of the saids hie wayes needed to be enlarged or repaired and to have sett doun some solide and certane course how the saids wayes and the necessar defects therein might be repaired and helped upon the charges and expences of the inhabitants within the said shirefdome, the saids commissioners hes accordinglie ridden the saids hie wayes and they have found the defects thairof to be in the parts and places following, to witt—in the hie way at the backe of Prestoungrange, at Smetoun peth bewest Gilmertoun in the south side of the damme on the north side thairof, at Libbertoun kirk, at the dammes of Libbertoun on both sides of the bridge, in the hie way leading fra Libertoun Whinnes to the calsey and that haill calsey leading to Edinburgh, and at that west part of the West Port of Edinburgh neere to the tolbuith thairof where there is ruinous houses and great heapes of stones; and that in the way betweene Seatoun and Edinburgh they have onelie found the defects to be at the backe of Prestoungrange and at Edgebucklinbrae, as in the report made be thame to the saids Lords at lenth is conteanit. Quherein as the saids commissioners hes done thair dewtie in that part of the service committed unto thame tuicheing the ryding of the saids wayes, yitt they have failed in prescryving and setting doun the course and order how and be whome the defects foresaids of the saids hie wayes may be enlarged, repaired and mended, so as that peece of service, quhilk is verie important for the credite of the countrie, is lyke to be delayed and cassin louse without remeid be provydit. Thairfoir ordains letters to be direct to command and charge the commissioners abonewrittin in the mater foresaid to conveene and meit of new upon the sevint day of May nixt and at thair meiting that they resolve, conclude, prescryve and sett doun some certane, solide and sure course how, be whome and upon whois charges the defects foresaids in the saids wayes sall be enlarged, repaired and mended, and to report thair conclusions thereanent to the saids Lords betuix and Fryday the tent of May nixt under the pane of rebellioun, etc., with certificatioun, etc." Charge anent the highways from Dalkeith to Edinburgh.

Sederunts, November 1629-January 1635. Fol. 103, b.

"The Lords assignes to the shireff of Bervick Fryday come eight dayes for meeting with the justices of peace for repairing the defects of the hie wayes, ordaining him to report his proceedings to the Counsell the first Counsell day of Junij." The highways of Berwickshire.

The highways of Clackmannan and Stirlingshire.

"The Lords assignes to the Shireff of Stirline and Johne Areskine of Balgonie for Clackmannane the fyftene of May to report thair diligence anent the hie wayes." Sederunts, November 1629-January 1635. Fol. 103, b.

Edinburgh, 24th April 1633. Letter of Council to his Majesty anent a Scottish ship which has been seized by one of Spain.

"Most sacred Soverane, A petitioun being exhibited this day at the Counsell table be George Suttie, Charles Hamiltoun, Johne Kniblo and Robert Glen, merchants burgesses of Edinburgh, for thameselffes and in name of the remanent owners of the ship callit "The George of the Quenisferrie," quhairof William Allane is maister, purporting that notwithstanding of the happie peace standing betweene your Majestie and the King of Spaine for the quyet of your Majesteis good subjects and the fredome and increasse of trade, yitt contrarie to the said peace and law of all natiouns, the saids shippe and goods loadned therein being in Februarie last in her way to the staple port of Campheir in Zeland, wes within three lieges of the said stapple port persewed and boorded by ane freebooter of St. Sebastioun in Biskay, subject to the said King of Spaine, and the companie and equippage of the said shippe putt under boord as prisoners untill the said ship wes caried twentie myles frome the said stapple port, quhair the said freebootter tooke the halfe of the companie of the said ship and putt thame in a ship boat exposing thame thairby to the injurie of the sea and extreme hazard of thair lyfes before they could come to the shoare and caried the maister of the said shippe and remanent companie to the said toun and port of St. Sebastian where they wer all made closse prisouners untill after strict examinatiouns the commoditie of ane English ship being found they wer wiolentlie thrust into the same to be shipped for Londoun, not being permitted to goe before anie judge to compleane of the wrongs or to supplicat for restitutioun or reparatioun. And thairfoir the saids parteis greeved hes humbelie prayed us to represent the saids greevances unto your most sacred Majestie, and the said supplicatioun being read in Counsell and the equitie thairof dewlie considered and the exemple of suche wrongs being conceaved to be verie pernicious and hurtfull to the trade of your Majesteis dominiouns and also dishonnorable to your Majesteis governement (if the same sould be passed over without punishement), thairfoir we have thought it our dewteis to lett your Majestie understand of the saids wrongs and humbelie to beseeke your Majestie to write your royall letters to his Majesteis ambassaders in Spaine to lett his Majestie know that suche wrongs hes beene done by his Majesteis subjects of St. Sebastians aganis the commoun peace and agreement made betweene your most sacred Majestie and him, and that restitutioun and reparatioun may be made to the parteis greeved, and suche exemplar punishement inflicted upon the offenders as all others by thair exemple may be terrified frome attempting the like heerafter under the sacred bond of peace, whereupon dependeth the lyfe and fortouns of most good subjects under the blessed protectioun and governement of all peacefull and happie princes. So hoping your Majestie will in your wounted princelie Royal Letters, 1623-33. Fol. 230, Fol. 230, b.

Royal Letters, 1633-33. Fol. 220, b.

maner so expresse your fatherlie care of your good subjects as the saids supplicants may feele the effects and comfort of the same, we humbelie take our leave, etc. Edinburgh, 24 *Aprilis*, 1633. *Subscribitur*, Hadintoun, Mar, Wintoun, Linlithgow, Lauderdaill, Wigtoun, Pa. B. of Ros, Melvill, Areskine, Arch. Achesoun."

Acts, June 1632-June 1634. Fol. 214, a.

Sederunt—Privy Seal; Mar; Linlithgow; Wigtoun; Lauderdaill; Bishop of Ros; Areskine; Melvill; Secretary; Sir James Baillie. Edinburgh, 25th April 1633.

Charge to persons in the Canongate who have let their houses to his Majesty's train to quit the said houses by the 15th of May next.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is a nomber of houses within the Cannogait conduced to sindrie noblemen or tane up be his Majesteis harbenger to the use of his Majesteis tryne and followers, and whereas thir noblemen looked to have had ane peaceable entrie to thair houses to the intent they might have layed thair provisioun and furnishing tymouslie within the same and otherwayes might have prepared the saids houses in suche forme as they might best have beene accommodat therein, yitt the possessours of the houses conduced and tane up in maner foresaid, refuises now to remove therefra, at the least they linger and delay the time of thair removall, so as the noblemen who has conduced thir houses and wer resolved to have keeped houses for interteanying of the nobilitie and others who ar to accompanie his Majestie thither, as lykewayes the strangers for whois use the saids houses wer tane up, ar lyke to be frustrat and disappointed of thair houses, to his Majesteis high offence and discredite of the countrie, without remeid be provydit. Thairfor the Lords of Secreit Counsell ordains letters to be direct charging officers of armes to pas to the mercat croce of the Cannogait and there be opin proclamatioun to make intimatioun and warning to all the inhabitants of the Cannogait whois houses ar conduced for noblemen or tane up for his Majesteis tryne and followers, that they remove thameselffes furth thairof and leave the same voide and red to the saids noblemen and others foresaids betuix and the fyftene day of May nixtocome, certefeing thame that sall failyie and doe in the contrair, the said fyftene day of May being bypast, that letters of horning sall be direct aganis thame charging thame simpliciter to the effect foresaid."

Sederunt—Chancellor; Treasurer; Privy Seal; Mar; Areskine; Tracquair; Sir James Baillie. Holyrood House, 1st May 1633.

Warrant to Captain Sir Alexander Leslie to raise a company of 200 men for service under the Emperor of Russia.

"Forsameekle as the Kings Majestie, having beene formerlie pleased upon good considerationns knowne to his Majestie to grant his licence to Sir Alexander Leslie, knight, generall colonell of the forrane forces of the Emperour of Russia, for leveying and transporting a regiment of men out of his Majesteis dominioun for the said Emperour his service, bot

Fol. 214, b.

understanding that there laikes ane companie for compleiting of the same whiche his Majestie willeth to be leveyed and transported frome this kingdome by Captaine James Forbes for the said use, thairfoir the Lords of Secreit Counsell, according to ane warrand and directioun in writt, signed be the Kings Majestie and this day presentit unto thame, gives and grants full power and commissioun to the said Captane James Forbes to levey and take up ane companie of twa hundreth men according to his commissioun out of all suche persouns within this kingdome of Scotland as he sall find willing to goe with him, and to transport thame toward the service of the said Emperour of Russia for compleiting of the regiment foresaid of the said Sir Alexander Leslie, colonell generall, as said is; with power to him for this effect to nominat and appoint officers and commanders over the said twa hundreth men, and to caus towcke drummes and displey cullours, and to doe and performe all and everie thing quhilk towards the leveying and transporting of the said nomber of men sall be found necessar, he alwayes giving suche satisfactioun to everie ane of the said nomber as sall be agreed upon betuix him and thame according to the custome in the like caises: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin: Charging heirby all magistrats to burgh and land and others his Majesteis subjects to acknowledge the said Captane James Forbes in this charge and trust committed unto him and to forder him in everie thing tending to the leveying and transporting of the said companie of men. And if anie persoun or persons quhatsomever sall inroll thameselffes and take his pay and thereafter sall abandoun thair charge and steale away, that than and in that caise the saids magistrats to burgh and land doe justice to the said Captane James Forbes, his officers and commanders, aganis thir fugitive and runne away souldiours, conforme to the lawes of this kingdome, as they will ansuer upon the dewtie of thair offices. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers right trustie counsellers and trustie and weilbelovit counsellers, we greit yow weill. Having beene formerlie pleased for good considerations knowne unto us to grant our licence to Sir Alexander Leslie, knight, generall colonell of the forrane forces of the Emperour of Russia, for leveying and transporting a regiment of men out of our dominions for the said Emperour his service, bot understanding that there laikes one companie for compleiting the same, whiche we will to be leveyed and transported frome that our kingdome by Captane James Forbes for the said use, our pleasure is that yow grant unto the said Captane James a commissioun with a sufficient warrand to levey and transport two hundreth men, according to his commissioun for the purpose abonesaid, of all suche persons within our said kingdome of Scotland as he sall find willing to goe with him thither, granting him libertie to towcke drummes

Acts, June 1632–June 1634. Fol. 214 b.

Fol. 215, a.

Acts June 1632-June 1634. Fol. 215, a.

for that effect with als large priviledges as anie hes had heeretofore in the lyke kynde, he alwayes giving suche satisfactioun to everie one of the said nomber as sall be agreed upon betuix him and thame according to the custome in the like caises; for doing whairof these presents sall be unto yow sufficient warrand. From our Court at Whitehall, the 28 of Marche, 1633."

Direction to Sir John Scott anent the meeting of Parliament.

"The Lords of Secreit Counsell ordains and commands the Directour of our soverane lords Chancellarie and his deputs to direct and give out precepts for warning the whole nobilitie, prelats, commissioners for the small barons and burrowes to attend his Majesteis Parliament, quhilk is proclamed to be haldin at the burgh of Edinburgh and to begin, God willing, upon the 18 day of Junij nixtocome; anent the doing whairof this present act sall be unto thame ane sufficient warrand."

Holyrood House, 11th May 1633.

Sederunt—Chancellor; Treasurer; St. Andrewes; Glasgow; Privie Seal; Tracquair; Clerk Register.

Charge to all persons intending to present suits to the ensuing Parliament to deliver the said suits to the Clerk Register by the 1st of June following.

"Forsameekle as the Kings Majestie hes appointed his soverane and high court of Parliament of this kingdome to be haldin at the burgh of Edinburgh and to begin, God willing, upon the 18 day of Junij nixtocome with continuatioun of dayes, wherein his Majestie will be most willing to give all his subjects contentment, ather by generall lawes or particular acts authorized by his royall consent, whilks being rypelie advised sall be found expedient to be past; bot whereas experience in bypast parliaments is yitt recent how that diverse persons, partlie be ignorance and partlie be fraude, ar accustomed presooming upon the short sitting of the parliament to give in manie bills or articles conteaning maters prejudiciall ather to his Majesteis crowne or to his subjects quhilks the shortnesse of tyme or multitude of bussines permitteth not to be so narrowlie examined as need wer; thairfoir his Majestie, following the order and rule prescryved be the act of Parliament, ordains that all suche persons as intends to give in anie articles or petitiouns to this approacheing Parliament sall delyver and give in the same to the Clerk of his Majesteis Registers betuix and the first day of Junij nixtocome, to be presented be him to suche of the Estaits and Counsell as sall be appointed to heare thame, to the intent that things reasonable and necessarie may be formallie made and presented in a booke to the lords of the articles in the Parliament tyme, and all impertinent, frivolous and improper maters rejected, and that no article or supplicatiouns wanting a speciall tytle unsubscryved be the presenter sall be read or answered in Parliament except suche as sall be past and givin in be his Majestie himselfe under his hand and sall be thought good be his Majestie for the commoun weale of the kingdome; and ordains letters to be direct to make publication heirof be opin proclamatioun at the mercat croce of Edinburgh and others places neidfull whairthrow

Fol. 215, b.

nane pretend ignorance of the same. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Whereas we understand that it hes beene the accustomed forme that all petitiouns to be presented in Parliament wer delyvered to the Clerk of Register for the tyme twentie dayes before the holding thairof and that proclamations wer accordinglie made to that effect, we being willing to continue anie suche receaved and approved custome have heirby thought fitt to require yow to caus the like proclamations be made in dew tyme before the ensewing parliament whereby our good subjects may take notice of what is fitt to be done in the like caises. We bid yow heartilie farewell. Frome our court at Whitehall, the 23 of Aprile, 1633." Acta, June 1632-June 1634. Fol. 215, b.

Holyrood House, 15th May 1633.

Sederunt—Chancellor; Treasurer; St. Andrewes; Glasgow; Privy Seal; Wintoun; Wigtoun; Lauderdaill; Viscount Air; Bishop of the Yles; Tracquair; Secretary; Clerk of Register; Advocate; Sir James Baillie.

Anent the convoyance of his Majesty's baggage in the shire of Midlothian.

"Forsameekle as the shireff of Edinburgh, according to ane warrand and directioun sent unto him be the Lords of Privie Counsell, hes tane particular notice of the nomber of hors for carrage and thair furniture that everie parish within the said shirefdome may convenientlie furnishe for lifting and carying of his Majesteis carrage fra Seatoun to Dalkeith and fra Dalkeith to Edinburgh and fra Edinburgh to Linlithgow, and hes made and presented ane roll of the saids parishes conteaning the nomber of hors designed to everie parish with the names of the persons that ar appointed to be constables in the parish and to have the charge to caus the hors of the parish be in readines for lifting his Majesteis carrage at the tymes and places to be appointed; that is to say, the toun and incorporatioun of Mussilburgh threttie carts with three hors in ilke cart, and threttie hors with creillis and hochemis; the rest of the parish of Inneresk threttie carts, three hors in ilke cart, with other threttie hors with creillis and hochams, and Williame Tod in Fisherraw, constable for the toun and burgh, and Patrik Cluny in Inneresk, constable for the rest of the parish; the toun and parish of Dalkeith auchtene carts with cairt graith, and 72 horses for the saids carts and creillis and hochams, and Johne Stevinsoun and James Hog in Dalkeith, constables; the toun and parish of Newbottill, 9 carts 3 hors in ilke cart, with other 30 hors with creillis and hochams, and Androw Davidsoun at Newmylnes, constable; the parish of St Cuthberts 18 hors with cart graith, whairof ten frome the baronie of Brouchtoun, sax of Innerleith and twa of Ravilstoun, with sevinscore horses, for serving the carts, whairof nyne hors with creillis and hochams for the Deane, the rest also for creillis and hochams, and Johne Fol. 216, a.

Acta, June Oliphant in Brouchtoun and Johne Aldinstoun in North Leith, constables
[illegible] June for the baronie of Brouchtoun, Johne Wod in Dalry and Johne Stewart
[illegible] in Dalry mylnes, constables for the baronie of Innerleith, Orchardfeild,
f. 216, a. and Ravilstoun, Williame Archibald in Deane, constable for that baronie, and Johne Neilsone in Smiddiegreene, constable for the baronie of Braid and remanent of the south side of St Cuthberts parish, comprehending Braid, Merchinstoun, St Geilligrange, Craighous, Wrightshouses, lands of Borrowmures stentit to threttie horses of these horses appointed to be furnished be the parish of St Cuthberts; the parish of Libbertoun, 3 carts with 48 horses, a part for the carts and rest with creillis and hochams, and Mr Hew Douglas in Nidrie and David Duffie in Gilmermertoun, constables; the baronie and parish of Kirknewtoun 30 hors with creillis and hochams, and Johne Andersone, smith in Kirknewtoun, constable; the parish of Currie threttie sax hors with creillis and hochams, Johne Cuninghame, elder, in Byrna, and Williame Bishop in Langhirdmistoun, constables; the parish of Lessuade, comprehending the parish of Lessuade, the parish of Pentland, Glencorse, St Katharins and baronie of Melvill unite to Lessuade, 70 horses with creillis and hochams, Johne Dobie in Rosline, Charles Hynd in Lonheid, and Henrie Meane, constables; the parishes of Carintoun and Cokpen 30 hors with creillis and hochams, Johne Cuninghame in Carintoun and Johne Pentland there, constables; the parish of Hales 18 hors with creillis and hochams, and Johne Borthuick, constable there; the parish of Borthuick 30 hors with creillis and hochams, James Wilsoun in Halkertoun, James Ker in Cassiltoun, and Johne Patersone in Borthuick mylne, constables; the parish of Crichtoun 30 hors with creillis and hochams, Michael Dewar
f. 216, b. in Crichtoun, constable; the parish of Heriot 18 hors with creillis and hochams, and James Pringle at Heriot mylne, constable; the parish of Stow 30 hors with creillis and hochams, and William Sandelands there, constable; the parish of Cranstoun, with that part of Soutray in this shirefdome, twelffe carts, and 48 horses for the saids carts and the rest by and attour the service of the cairts for creillis and hochams, and Samuel Thomesoun, constable there; the parish of Cramound fiftie hors with creillis and hochams, and Alexander Howesone in Over Cramound and Thomas Cleghorne in Piltoun, constables; the parish of Temple and Morphet 30 hors with creillis and hochams, Robert Baxter and Robert Knox, constables there; the parish of Ratho 30 hors with creillis and hochams, James Mure in Dalmahoy and David Wilsoun younger in Bonytoun, constables; the parish of Calder and Caldercleir 75 hors with creillis and hochams, Johne Johnestoun in Calder and Johne Smith in Achenownehill, constables; the parish of Corstorphine and Gogar 36 hors with creillis and hochams, whairof sax for Gogar and 30 for Corstorphine, Florence Gairner, constable for Corstorphine and Florence Listoun for Gogar; the parish of Pennycuik, with the annexes thairof, twelffe horses for creillis and hochams, and Johne Simsone there, con-

stable; the baronie of Restalrig and possessors of the lands of that baronie 30 hors with creillis and hochams, Johne Young at the Abbeylon and Johne Ros in Restalrig, constables; the parish of Duddingstoun foure carts and 18 hors for serving in the carts and the rest of the hors with creillis and hochams; the parish of Natoun sax carts, with three hors in ilke cart, and 6 hors forder with creillis and hochams, Johne Carthra in Edmonstoun and Nicoll Stevinsoun in Natoun, constables; the baronie of Inglestoun, Halbarns, Halyairds, and Brigs, a part of the parish of Kirkliston, lying on the east side of Almound, within this shirefdome of Edinburgh, saxtene horses with creillis and hochams, Alexander Johnestoun in , constable there. And the haill justices of peace, barons and frehalders of the said shirefdome elected, nominat and appointed James Hamiltoun and Alexander to be grand and generall constables for raising and charging the haill constables of the parish for provyding the saids horses and carts and others foresaids in dew tyme, who accepted upon thame the said office; as in the act made to this effect at lenth is conteanit. And whereas thir persouns abonewrittin who ar givin up to furnishe the nomber of cairts respective abonespecifeit ar bound in dewtie to have thair hors and carts and others instruments and necessars for carrage in readines at Seatoun upon the day of Junij nixt, airlie in the morning, and at Dalkeith upon the day of the same moneth thereafter, and at Edinburgh upon the first day of Julij nixt, and there to lift his Majesteis carrage and carie the same fra Seatoun to Dalkeith and fra Dalkeith to Edinburgh and fra Edinburgh to Linlithgow or otherwayes, as they sall be directed for these dayes be the maister of the carrage, nevertheles the Lords of Secreit Counsell apprehends that some undewtifull persons will ly backe and shunne this service and nather bring nor send thair hors to the places respective foresaids for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is lyke eneugh that a part of his Majesteis carrage sall ly behind to the discredite and shame of the haill natioun without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging the parochiners of the haill parishes abonewrittin and constables appointed for each parish that they and every ane of thame doe and performe that quhilk to thair charge and dewteis in the said service apperteanes, and for this effect that they direct and send and caus the nomber of horses abonespecifeit, appointed and allowed for everie parish weill furnished with all things necessar for carrage be at Seatoun upon the fourtene day of Junij nixt, and at Dalkeith upon the fyftene day of the same moneth, and at Edinburgh upon the first day of July nixt, before three of the clocke in the morning, and there to lift his Majesteis carrage and carie the same therefra to Dalkeith, Edinburgh and Linlithgow respective or otherwayes, as they sall be directed be the maister of the carrage, upon his Majesteis charges and expences, under the pane of sax punds for everie hors that sall

Acta, June 1632-June 1634. Fol. 216, b

Fol. 217, a.

Acta, June 1632-June 1634. Fol. 217, a.

be absent and sall not come in dew and lawfull tyme to lift his Majesteis carrage, as said is; and to command and charge the generall constables of the shire to poynd the readiest goods and geir of the persons dissobeying for the said soume of sax punds for everie hors that sall be absent and sall not keepe the precise tyme and place of meiting at the sight and discretioun of the maister of his Majesteis carrage, and to make the said soume furthcummand to these whome the saids Lords sall appoint in this earand; and siclyke to command and charge the constables of eache parish to bring with thame and to delyver to the maister of his Majesteis carrage ane list and roll of the nomber of horses that sall attend the saids services and a list and roll of the horses that sall be absent, to the

Fol. 217, b.

intent that the awners of the absent horses may be punished for thair failyie and dissobedience by poynding for the saids sax punds, as said is; certifeing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurre the said pane of sax punds for everie absent hors or not givin up be thame as absent and sall be poynded for the same accordinglie."

Directions for the conveyance of his Majesty's baggage from Berwick to Dunglass.

"Forsameekle as the baillie of Lauderdaill, according to ane warrand and directioun sent unto him be the Lords of Privie Counsell, hes tane particular notice of the nomber of hors for carrage and thair furniture that everie parish within the said baillerie may convenientlie furnishe for lifting and carying his Majesteis carrage fra Bervick to Dunglas, and hes made and presented ane roll of the saids parishes conteaning the nomber of hors designed to everie parish, with the names of the persons that ar appointed to be constables in the parish, and to have the charge to caus the hors in the parish be in readines for lifting of his Majesteis carrage at the tymes and places to be appointed, that is to say, the parish of Nenthorne, where Richard Scot in Little Newtoun, Walter Pringill in Nenthorne and Thomas Newtoun in Newtoun ar constables, twentie hors; the parish of Mertoun, where Andro Greinfeild in Mertoun, James Haig in Bimerside, and Alexander Lockie Wester in Mertoun, ar constables, 40 hors; the parish of Lauder, where Androw Murrey in Lawder, Androw Bathgait in Langhald, and James Waderstoun in Kaidslie, ar constables, 72 hors; and the parish of Chingilkirk, where Johne Simsoun in Glengett, Johne Wilsoun in Collilaw, and Johne Somervell in Hilhous, ar constables, twentie sax hors; as in the acts made to this effect at lenth is conteanit. And whereas thir persouns abonewrittin, who ar givin up to furnishe the nomber of hors respective abonespecifeit, ar bound in dewtie to have thair hors and others instruments and necessars for carrage in readines at Bervick upon the twelffe day of Junij nixt, airlie in the morning, and thair to lift his Majesteis carrage and carie the same therefra to Dunglas or otherwayes as they sall be directed for that day be the maister of the carrage, nevertheles the Lords of Secreit Counsell apprehends that some undewtifull persons will ly backe and shunne this service and nather bring nor send thair hors to Bervick for that use,

albeit there is nothing to be craved of thame bot for readie and thankfull payment, so as it is like eneugh that a part of his Majesteis carrage will ly behind to the discredite and shame of the haill natioun without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging the haill parochiners of the parishes abonewrittin and constables appointed for eache parish that they and everie ane of thame doe and performe that quhilk to thair charge and dewtie in the service foresaid apperteanes; and for this effect that they direct and send and caus the nomber of horses abonespecifeit, appointed and allowed for everie parish, furnished with all things necessar for carrage, be at the toun of Bervick upon the twelffe day of Junij nixtocome before three of the clocke in the morning, and there to lift his Majesteis carrage and carie the same therefra to Dunglas or otherwayes as they sall be directed be the maister of his Majesteis carrage, upon his Majesteis charges and expences, under the pane of sax punds for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majesteis carrage, as said is; and to command and charge the constables of the said parish to poynd the readiest goods and geir of the persons dissobeying for the said soume of sax punds for everie hors that sall be absent and sall not keepe the precise tyme and place of meiting at the sight and discretioun of the maister of his Majesteis carrage, and to make the said soume furthcummand to these whome the saids Lords sall appoint in this earand; and siclyke to command and charge the saids constables to bring with thame and to delyver to the maister of his Majesteis carrage ane list and roll of the horses that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the awners of the absent horses may be punished for thair failyie and dissobedience by poynding for the saids sax punds, as said is; certifeing the saids constables who sall not give up the said list and roll in maner foresaids that they and everie ane of thame sall incurre the said pane of sax punds for everie absent hors or not givin up be thame as absent and sall be poynded for the same accordinglie." Acts, June 1632-June 1634. Fol. 218, a.

Direction for the conveyance of his Majesty's baggage from Dunglass to Seton.

"Forsameekle as the shireff of Hadintoun and conveenner of the justices of peace within that shire, according to ane warrand and direction sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the nomber of hors for carrage and thair furniture that everie parish within the said shirefdome may convenientlie furnishe for lifting and carying of his Majesteis carrage fra Dunglas to Seatoun, and hes made and presented ane roll of the saids parishes conteaning the nomber of hors designed to everie parish, with the names of the persons that ar appointed to be constables in the parish, and to have the charge to caus the hors of the parish be in readines at the tymes and places to be appointed, that is to say, for the parish of Elstanefurde, where Robert Baptie is constable, sax carts and 8 hors beside; for the parish of Prestonkirk, where Richard Ramsay is constable, 35 carts; for the Fol. 218, b.

Acts, June 1632-June 1634. Fol. 218, b.

parish of Baro, where John Geddes is constable, ten carts; for the parish of Bothans, where Johne Hay is constable, 17 carts; for the parish of Pencaitland, where George Rentoun is constable, 30 carts; for the parish of Ormestoun, where Johne Harlaw is constable, 8 carts; for the parish of Abirladie, where William Horsburgh is constable, 30 carts; for the parish of Aldhamstockes, where George Wat is constable, 14 carts; for the parish of Boltoun, where Thomas Gottray is constable, 8 carts; for the parish of Quhittinghame, where James Dowglas is constable, 24 carts; for the parish of Hadintoun, where Robert Spence, James Home and James Veitch ar constables, 80 carts; for the parish of Morhame, where Johne Stevin is constable, 6 carts; for the parish of Quhytkirk, where Johne Bowie is constable, 12 carts; for the parish of Spott, where Johne Fortoun is constable, 12 carts; for the parish of North Bervick, where Richard Fergussoun is constable, 18 carts and 44 hors; for the parish of Garvall, where James Dicksoun is constable, 30 hors; for the parish of Innerweik, where William Clerksoun is constable, 18 carts and 52 single hors; for the parish of Dirletoun, where James Caldcleuche is constable, 40 carts and 12 single hors; for the parish of Saltoun, where Alexander Wylie and Robert Marvingstoun are constables, 17 carts; for the parish of Humbie and Keith, where Williame Borthuick is constable, 10 carts; for the parish of Prestoun, where Walter Ros and Johne Browne ar constables, 30 carts; for the parish of Tyninghame, where George Shortous and Robert Ewat ar constables, 12

Fol. 219, a.

carts; for the parish of Stentoun, where Alexander Cromby is constable, ten carts; for the parish of Sowtray, where Borthuick is constable, 4 carts; for the parish of Dumbar, where George Kirkwod and Alexander Gulane ar constables, 80 carts; and for the parish of Tranent, where is constable, 60 carts. And they have nominat Patrik Chrystesoun and Johne Thomesoun, messengers, to be generall constables for the said shirefdome, as the roll givin in heirupon beiris. And whereas the persons abonewrittin who ar givin up to furnishe the nomber of carts abonespecifeit ar bound in dewtie to have thair cairts and others necessar for carrage in readines at Dunglas upon the 13 day of Junij nixt, airlie in the morning, and there to lift his Majesteis carrage and carie the same therefra to Seatoun or otherwayes, as they sall be directed for that day be the maister of the carrage, nevertheles the Lords of Secreit Counsell apprehends that some undewtiful persons will ly backe and shunne this service and nather bring nor send thair hors to Dunglas for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is like eneugh that a part of the carrage sall ly behind, to the discredite and shame of the natioun without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging the parochiners of the haill parishes abonewrittin and constables appointed for eache parish and the generall constables of the shire, that they and everie ane of thame doe and performe that quhilk

to thair charge and dewtie in the said service apperteanes, and for this effect that they direct and send and caus the nomber of carts abone-specifeit and hors with creills and hochams appointed and allowed for everie parish weill furnished with all things necessar for carriage, be at Dunglas upon the 13 day of Junij nixt before three of the clocke in the morning, and there to lift his Majesteis carrage and carie the same therefra to Seatoun or otherwayes, as they sall be directed be the maister of the carrage, upon his Majesteis charges and expences, under the pane of sax punds for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majesteis carrage, as said is, and to command and charge the generall constables of the said shire to poynd the readiest goods and geir of the persouns dissobeying for the said soume of sax punds for everie hors that sall be absent and sall not keepe the precise tyme and place of meeting at the sight and discretioun of the maister of the carrage, and to make the said soume furthcommand to these whome the saids Lords sall appoint in this earand, and siclyke to command and charge the constables of the saids parishes to bring with thame and to delyver to the maister of his Majesteis carrage, ane list and roll of the horses that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the awners of the absent horses may be punished for thair failyie and dissobedience by poynding for the saids sax punds, as said is, certifeing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurre the said pane of sax punds for everie absent hors or not givin up be thame as absent and sall be punished for the same accordinglie." Acta, June 1632-June 1634. Fol. 219, a. Fol. 219, b.

Directions anent the conveyance of his Majesty's baggage from Linlithgow to Stirling.

"Forsameekle as the conveenner of the justices of peace within the shirefdome of Linlithgow, according to ane warrand and directioun sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the nomber of hors for carrage and of thair furniture that everie parish within the said shirefdome may convenientlie furnishe for lifting and carying his Majesteis carrage fra Linlithgow to Stirline, and hes made and presented ane roll of the saids parishes conteaning the nomber of hors designed to every parish, with the names of the persons that ar appointed to be constables in this parish, and to have the charge to caus the hors in the parish be in readines for lifting his Majesteis carrage at the tymes and places to be appointed, that is to say, the parishes of Kinneill and Caribdin, where James Gib in Kinneill Kers, Richard Bryce, officer of Kinneill, and Thomas Naper, officer of Caribdin, ar constables, 80 hors with necessars to that effect and for drawing carts and waynes; the parish of Abercorne, where Gilbert Dick in Meidhope and Gawin Mowbray in Duddingstoun ar constables, 50 hors; the parish of Dummeny, where Johne Howdoun in Dummeny, Mathow Pantoun in Echling and Johne Young in Upcraig ar constables, sax score hors; the parish of Kirklistoun, where Thomas Young in Wincheburgh, David Neiff, James

Seatoun, Williame Patersoun in Kinpont, and George Lin ar constables, 80 hors; the parish of Strabrock, where Henrie Potter, James Hoge in Howstoun, and Robert Adesoun in Newbigging ar constables, 40 hors; the parish of Eglismachin, where Robert Clerk in Waterstoun and James Wright in Bangour ar constables, 30 hors; the parish of Livingstoun, where James Fleming and George Whyte in Whytburne ar constables, 40 hors; the parish of Bathgait, where Johne Nemot in Eastoun and Androw Yett in Bathgait ar constables, 40 hors; the parish of Torphichen, where Alexander Patersone in Torphichen and Williame Adie in Drumbowie ar constables, 40 hors; the out parish of Linlithgow, where Williame Hart in Bickartoun and Patrik Keir in Baytoun ar constables, 80 hors. And the saids justices of the peace hes chosin Henrie Mekle in Neathermylne, Patrik Dennystoun and Peter Robertsoun, shireff officers, to be generall constables of the said shirefdome; as in the act made to this effect at lenth is conteanit. And whereas the nomber of horses givin up for this shirefdome will not be sufficient for carying and transporting his Majesteis carrage frome Linlithgow to Stirline, thairfoir the saids Lords hes adjoynned the parishes underwittin, lying within the shirefdome of Stirline, for carying and transporting his Majesteis carrage frome Linlithgow to Stirline, quhilks parishes ar givin up in the report made be the shireff of Stirline to furnishe the nomber of hors following, that is to say, the parish of Bothkenner, whairof Alexander Callendar and Johne Cowie are constables, 80 hors; the parishes of Fawkirk, Morvingside, Denny and Slamannamure, whairof Johne Wyse, Williame Burne, Alexander Craufurd and George Grahame ar constables, 400 hors; the parish of Airth, where Alexander Guidlet and Johne Hall ar constables, sax score hors; and the parish of Donypace, where Williame Howet and James Forrester ar constables, 60 hors; as in the report givin in heirupon at lenth is conteanit. And whereas the parishes foresaids who ar givin up to furnishe the nomber of horses respective abonespecifeit ar bound in dewtie to have thair hors, carts and others instruments and necessars for carrage in readines at Linlithgow upon the secund day of July nixt, airlie in the morning, and there to lift his Majesteis carrage and carie the same therefra to Stirline or otherwayes as they sall be directed for that day be the maister of the carrage, nevertheles the Lords of Secreit Counsell apprehends that some undewtifull persons will ly backe and shunne this service and nather bring nor send thair hors to Linlithgow for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is lyke eneugh that a part of the carrage sall ly behind, to the discredite and shame of the haill natioun without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging the parochiners of the haill parishes abonewrittin and constables appointed for eache parish and the generall constables of the shire that they and everie ane of thame doe and performe that quhilk to thair charge and dewtie in the service foresaid apperteanes, and for this effect

that they direct and send and caus the nomber of horses abonespecifeit, appointed and allowed for everie parish weill furnished with all things necessar for carrage be at the burgh of Linlithgow upon the said secund day of July nixt before three of the clocke in the morning and there to lift his Majesteis carrage and carie the same therefra to Stirline upon his Majesteis charges and expences, under the pane of sax punds for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift the carrage, as said is, and forder under the pane to be punished in thair persouns as disappointers of his Majesteis service; and to command and charge the generall constables of the said shire to poynd the readiest goods and geir of the persons dissobeying for the said soume of sax punds for everie hors that sall be absent and sall not keepe the precise tyme and place of thair meiting at the sight and discretioun of the maister of the carrage, and to make the said soume furthcommand to these whome the saids Lords sall appoint in this earand; and siclyke to command and charge the constables of eache parish to bring with thame and to delyver to the maister of the carrage ane list and roll of the nomber of hors that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the awners of the absent horses may be punished for thair failyie and dissobedience by poynding for the saids sax punds, as said is; certifeing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurre the said pane of sax punds for everie absent hors or not givin up be thame as absent and sall be poynded for the same accordinglie; and siclyke to command and charge the shireffs of Stirline and Linlithgow and thair deputs and the conveenners of the justices of peace within the same, that they within thair severall bounds, offices and jurisdictiouns have ane speciall care that the particular constables within everie parish and generall constables of the shire, as alsua the parochiners of everie parish doe and performe all and everie thing quhilk to thair severall charges apperteanes, as the saids shireffs and conveenners will answere upon the dewtifull discharge of thair offices."

Acta June 1632-June 1634. Fol. 220, b.

Fol. 221, a

Directions anent the conveyance of his Majesty's baggage from Stirling to Dunfermline.

"Forsameekle as the shireff of Stirline and Clackmannan, according to ane warrand and directioun sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the nomber of hors for carrage and of thair furniture that every parish within the said shirefdome may convenientlie furnishe for lifting and carying his Majesteis carrage frome Stirline to Dunfermeline and hes made and presented ane roll of the saids parishes conteaning the nomber of hors designed to everie parish with the names of the persons that ar appointed to be constables in the parish and to have the charge to caus the hors of the parish be in readines for lifting his Majesteis carrage at the tymes and places to be appointed, that is to say, the parish of St. Niniane, whairof Alexander Bennie, Androw Craufurd, Andro M°Kay, Robert Johnestoun and Robert

[illegible] June [illegible] June [illegible] Richartsone ar appointed constables, 300 hors; the parish of Larber, whairof Johne Burne and William Johnestoun ar constables, 60 hors; the parish of Monyabroch, whairof Johne Kneilland and Johne Forrester ar constables, 40 hors; the parish of Campsie, whairof Johne Wilsoun, Thomas Gray and Johne Lennox ar constables, 100 hors; the parish of Galfrone [*sic*], whairof Patrik Naper and James Yuill ar constables, 30 hors; the parish of Fintrie, whairof Johne Pale is constable, 30 hors; the parish of Kippane, whairof Duncane Buchannan and Johne Gilfillan ar constables, 100 hors; the parish of Kincardin, whairof William Mitchell is constable, 30 hors; the parish of Kilmadock, whairof Johne Mitchell, elder, and David Dog ar constables, 100 hors; the parishes of Dumblane and Blackfurde, whairof Andro Ker and Johne Bryce ar constables, 200 hors; the parishes of Lecrope and Logie, whairof Johne Gentleman, Thomas Hendersoun and Johne Galloway ar constables, 95 hors; the parish of Alveth, whairof Johne Monteth and Alexander Young ar constables, 40 hors; the parish of Tillicultrie, whairof Thomas Alexander and Robert Hutsoun ar constables, 40 hors; the parish of Doller and Muckart, whairof James Patoun, Johne Alexander, Johne Drysdaill and Johne Kirk ar constables, 80 hors; the parishes of Alway and Tillibodie, whairof Thomas Miller and Johne Archibald ar constables, 80 hors; the parish of Clackmannan, whairof Williame Andersoun and Robert Quhyte ar constables, 80 hors; the parish of Tulliallane, whairof Alexander Stewart is constable, 20 hors; the parish of Culros, whairof [illegible] Robert Henrie and ar constables, 100 hors; and the parish of Stirline, whairof James Fothringhame, ane of the bailleis of Stirline, hes tane the burdein, 60 hors. And the saids shireff and justice[s] of peace within the saids shirefdomes have appointed William Wallace and Williame messengers, twa of the shireff officers, to be generall constables of the shire to warne the particular constables whome they ordained, with advice of the landslords and thair officers, to divide and sett the nomber of horses foresaids amongs the maisters and tennants of the parishes, and where carts may possiblie be had that they be charged for, and where nane can be had that they be furnished with hochams, creillis and towes as in the report made heerupon at lenth is conteanit; lykeas the saids Lords hes appointed the parishes of Sawline and Crombie to be joynned to the saids shirefdomes of Stirline and Clackmannan for lifting his Majesteis carrage frome Stirline to Dumfermeline, quhilks parishes ar givin up to conteane the plewes underwrittin, viz., the parish of Sawline, where Thomas Scotland is constable, 29 plewes, and the parish of Crombie, where Thomas Wilsoun is constable, 12 plewes, and everie twa single plewes to furnishe ane cart and twa hors or twa hors for carrage; as in the report of the shirefdome of Fyffe at lenth is conteanit. And whereas the parishes foresaids who ar givin up to furnishe the nomber of hors abonespecifeit ar bound in dewtie to have thair hors and carts and others instruments and necessars for carrage in readines at

[illegible] 21, b.

Stirline upon the fourt day of July nixt, airlie in the morning, and there to lift his Majesteis carrage and carie the same therefra to Dumfermeline, nevertheles the Lords of Secreit Counsell apprehends that some undewtifull persons will ly backe and shunne this service and nather bring nor send thair hors to Stirline for that use, albeit nothing is to be craved of thame bot for readie and thankfull payment, so as it is like eneugh that a part of the carrage sall ly behind to the discredite and shame of the haill natioun, without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging the parochiners of the haill parishes abonewrittin and constables appointed for everie parish and the generall constables of the shire that they and everie ane of thame doe and performe that quhilk to thair charge and dewtie in the service foresaid apperteanes, and for this effect that they direct and send and caus the nomber of carts and horses abonespecifeit appointed and allowed for everie parish, weill furnished with all things necessar for carrage, be at the burgh of Stirline upon the said fourt day of July nixt before three of the clocke in the morning, and there to lift his Majesteis carrage and carie the same therefra to Dumfermeline upon his Majesteis charges and expences, under the pane of sax punds for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majesteis carrage, as said is, and forder under the pane to be punished in thair persons as disappointers of his Majesteis service. And whereas the constables of the parishes of Campsie, Dumblane and Blackfurde, Tulliallane and Culros, and Johne Wilsoun, ane of the constables of Kippen, hes not accepted that charge upon thame, to command and charge the saids constables to accept the said charge upon thame, and accordinglie to doe and performe all and everie thing quhilk to thair places apperteanes, within three dayes nixt after the charge under the pane of rebellioun, etc., and if they failyie to denunce, etc. And siclyke that yow command and charge the generall constables of the said shire to poynd the readiest goods and geir of the persouns dissobeying for the said soume of sax punds for everie hors that sall be absent and sall not keepe the precise tyme and place of thair meiting at the sight and discretioun of the maister of the carrage, and to make the said soume furthcommand to these whome the saids Lords sall appoint in this earand. And siclyke to command and charge the constables of eache parish to bring with thame and to delyver to the maister of the carrage ane list and roll of the nomber of the hors that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the awners of the absent horses may be punished for thair failyie and dissobedience by poynding for the saids sax punds, as said is. Certifeing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurre the said pane of sax punds for everie absent hors or not givin up be thame as absent and sall be poynded for the same accordinglie; and siclyke to command and charge

Acts, June 1632-June 1634. Fol. 221, b.

Fol. 222, a.

Acts June 1632-June 1634. Fol. 222, a. the shireffs of Clackmannan and Stirline and thair deputs and the conveenners of the justices of peace within the same that they within thair severall bounds, offices and jurisdictiouns have ane speciall care that the particular constables of everie parish and generall constables of the shire, as alsua the parochiners of everie parish, doe and performe all and everie thing quhilk to thair severall charges apperteanes, as the saids shireffs and conveenners sall answer upon the dewtie of thair offices."

Fol. 222, b. "Forsameekle as the conveenner of the justices of peace of Fyffe and Kinroscher, according to ane warrand and directioun sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the nomber of hors that everie parish within the saids shirefdomes may convenientlie furnishe for lifting and carying his Majesteis carrage fra Dumfermeline to Falkland and frome Falkland to Bruntilland and hes made and presented ane roll of the saids parishes conteaning the nomber of plewes within everie parish and appointing everie fotche plew to furnishe ane cart and twa hors where carts ar, and two horses where no carts ar, and two single plewes ane cart with twa hors or two hors for carrage; and they have divydit the saids shirefdomes in foure presbytereis, and within everie presbyterie hes appointed generall constables, to witt, for the presbyterie of St Andrewes, Peter Greg, messenger there; for the presbyterie of Cowper, Laurence Burrell, messenger there; for the presbyterie of Dumfermeline, Robert Stirk, messenger there; and for the presbyterie of Kirkaldie, James Pitblado, messenger there, who ar to charge the particular constables of everie parish to advertise the parochiners to have thair hors and carts in readines as they sall be required to that effect. Lykeas for this purpose they have appointed the persons underwrittin constables in everie parish who all have accepted the charge and givin up the nomber of plewes within eache parish in maner following, viz., In the presbyterie of St Andrewes: the parish of Kemback, where David Cowper in Dura and Thomas Gibsoun in Blebohall are constables, aucht fotche plewes; the parish of Forgund, where Johne Hendersoun and Johne Miller ar constables, 24 fotche plewes; the parish of Ferrie, where Thomas Imbrie and James Adam ar constables, 5 fotche plewes; the parish of Leuchars, where William Short and George Greeve ar constables, 40 fotche plewes; the parish of Largo, where William Henderson is constable, 20 fotche plewes; the parish of Newburne, where David Simsoun is constable, ellevin fotche plewes; the parish of Kilconquhar, where Johne Drummound is constable, 31 fotche plewes, and a single pleuche; the parish of Abircrombie, where Johne Bedesoun is constable, 4 fotche plewes; the parish of Carnbie, where Johne Beanes and Henry Ramsay ar constables, 32 fotche plewes; the parish of Kilrynnie, where Thomas Andersoun and James Russell ar constables, 12 fotche plewes; the landwart of Craill where Patrik Danskein is constable, 19 fotche plewes; the parish of Kingsbarnes, where Williame Corstorphine and Alexander Brig ar

Directions anent the conveyance of his Majesty's baggage from Dunfermline to Falkland.

constables, 23 fotche plewes; for the landwart parish of St Andrewes, where Williame Keir, Johne Smith, Johne Miller and William Alexander ar constables, fiftie fotche plewes; the parish of Dynninow, where Williame Hendersoun is constable, 6 fotche plewes; and the burrowes following ar ordained to furnishe the nomber of horses following, to witt, the burgh of St Andrews 12 hors, the burgh of Craill 8 hors, Anstruther Wester 3 hors, Anstruther Easter 6 hors, Kilrynnie twa hors, and Pittinweme 3 hors. For the presbyterie of Cowper: the landwart of the parish of Cowper, where Robert Balfoure in Balgarvie and Alexander Ballingall in Kilmorran ar constables, 16 fotche plewes and ane single plew; the toun of Cowper 8 carts; the parish of Cults, where Andro Daniel of Bunzeoun and Patrik Grundestoun in Barblaire are constables, 9 fotche plewes; the parish of Kettill, where Williame Bettie in Orkie and David Rymour there ar constables, 25 fotche plewes; the parish of Falkland, where Androw Burrell and David Strauchane ar constables, 19 fotche plewes; the parish of Stramiglo, where James Ballingall and Johne Sunzeour in Pitgornoch ar constables, 20 fotche plewes; the parish of Achtermuchtie, where Henrie Sim there and Michael Gudwillie in Dempstertoun ar constables, 18 fotche plewes; the parish of Cullessie, where George Scot there and Williame Thomesoun of Newtoun ar constables, 20 fotche plewes; the parish of Ebdie, where Johne Swintoun in Grange and Johne Tod in Burneside ar constables, 25 fotche plewes and ane single pleuche; the parish of Monymaill, where Williame Ballingall there and Robert Moreis of Ferrie ar constables, 25 fotche plews and ane single plew; the parish of Creich, where James Clerk in Leuchrie and Robert Williamesoun in Balmedieside ar constables, 9 fotch plewes and one single plew; the parish of Denbug, where Walter Duncane in Johnestoun and Johne Spittell in Heighome ar constables, 8 fotche plewes and one single plew; the parish of Flisk, where James Bott at the mylne of Ballincreich and Thomas Bowman there ar constables, ellevin fotche plewes; the parish of Balmernoch, where James Bertlitt in Kirktoun is constable, 9 fotche plewes; the parish of Kilmenie, where Johne Hendersoun there and Thomas Ramsay in the Starr ar constables, 24 fotche plewes and ane single plew; the parish of Logie, where Androw Bell in Dunbrae and Alexander Ramsay in Cruvie ar constables, 12 fotche plewes and one single pleuche; the parish of Achtermonsie, where David Suntar there and Johne Ferrie in Colluthie ar constables, 6 fotche plewes and ane single pleuche; the parish of Dairsie, where Johne Gourlay in Middlefudie and Johne Walker in Pittornie ar constables, 15 fotche plewes and ane single pleuche; the parish of Sires where

ar constables, 31 fotche plewes and one single pleuche; the parish of Newburgh, where Patrik Ramsay is constable, ten hors. In the presbyterie of Kirkaldie: the parish of Bruntilland, where Johne Andersoun there is constable for the burgh and Henrie Johnestoun in Newbigging for the parish, 26 single plewes; the parish of Kingorne, where

Acta June 1632-June 1634. Fol. 223, a.

Fol. 223, b.

[illegible] June [illegible]-June [illegible] [illegible] 223, b. William Heich is constable for the burgh and James Lichtoun in Pittedie for the parish, 40 single plewes; the parish of Kirkaldie, where James Speidie and Androw Alexander ar constables for the burgh and David Knox in Tirbene and Thomas Lamb in Raith for the parish, twentie single plewes; the parish of Dysert, where Thomas Cokin in Donykeir is constable, 20 single plewes; the parish of Merkinche, where Androw Wilsoun there and Walter Morgane in Babirnie ar constables, 64 single plewes; the parish of Ballingrae, where Johne Pudgall in Corshill and Robert Meldrum at Inchegall mylne ar constables, 12 single plewes; the parish of Leslie, where James Robertsoun there is constable, 30 single plewes; the parish of Kinglassie, where Thomas Currour in Stentoun and Androw Law in Pitlethie ar constables, 24 single plewes; the parish of Achterdirrey, where Robert Kilgour in Pitkeny and Johne Stirk in Balgregie ar constables, 25 single plewes; the parish of Achtertull, where Johne Crawfurd there and Thomas Adestoun in Clentrie ar constables, 9 single plewes; the parish of Portmooke, where Androw Baith in Kirknes and George Bickartoun in Kynneswod ar constables, 21 single plewes; the parish of Kennoquhy where is constable, plewes; the parish of Wemes where is constable, plewes; and the parish of Skoony where ar constables, plewes. As lykewayes the constables of Kirkaldie gave up 12 hors for that burgh; the constables in Dysert 12 hors for that burgh; the constables in Kingorne 20 hors for that burgh; the constables of Bruntilland 20 hors for that burgh. In the presbyterie of Dumfermeline: the parish of Dumfermeline, where David Mitchell and James Angus ar constables, sevin score plewes; the parish of Carnock, where William Gibbon is constable, 20 plewes; the parish of Orruell, where Robert Patersoun and Harie Livingstoun ar constables, 24 plewes; the parish of Baith, where Johne Orrock is constable, 4 plewes; the parish of Aberdour, where
F. 224, a. William Alexander and William Andersoun ar constables, 16 plewes; the parishes of Innerkeithing and Rassyth, where Mr Johne Murrey, Johne Thomsoun and Williame Thomesoun ar constables, 35 plewes; the parish of Dalgaty, where Johne Hendersoun is constable, 17 plewes; and the parish of Torreburne, where Androw Mudie is constable, 6 plewes; as in the report made heereanent at lenth is conteanit. And whereas the parishes foresaids who ar givin up to conteane the nomber of fotche plewes and single plewes abonewrittin, and everie fotche plew to furnishe one cart and twa hors where carts ar, and twa hors where no carts ar, and two single plewes one cart with twa hors or twa hors for carrage, ar bound in dewtie to have thair hors and carts and others instruments and necessars for carrage in readines at Dumfermeline upon the fyft day of July nixt and at Falkland upon the tent day of the said moneth, airlie in the morning, and there to lift his Majesteis carrage and carie the same fra Dumfermeline to Falkland and fra Falkland to Bruntilland the dayes respective foresaids, nevertheles

the Lords of Secreit Counsell apprehends that some undewtifull persouns will ly backe and shunne this service and nather bring nor send thair hors to Dumfermeline and Falkland for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is like eneugh that a part of the carrage sall ly behind, to the discredite and shame of the natioun without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging the parochiners of the haill parishes abonewrittin and constables appointed for everie parish and the generall constables of the presbytereis, that they and everie ane of thame doe and performe that quhilk to thair charge and dewtie in the service foresaid apperteanes; and for this effect that they direct and send and caus the nomber of carts and horses abonespecifeit appointed and allowed for everie parish, weill furnished with all things necessar for carrage, to be at the burgh of Dumfermeline upon the said fyft day of July nixt and at the toun of Falkland upon the said tent day of July nixt before three of the clocke in the morning and there to lift his Majesteis carrage and carie the same fra Dumfermeline to Falkland and fra Falkland to Bruntilland respective upon his Majesteis charges and expences, under the pane of sax punds for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majesteis carrage, as said is, and forder under the pane to be punished in thair persons as disappointers of his Majesteis service at the arbitrement of his Majesteis Counsell: And siclyke to command and charge the generall constables of the saids presbytereis to poynd the readiest goods and geir of the persouns dissobeying for the said soume of sax punds for everie hors that sall be absent and sall not keepe the precise tyme and place of thair meiting at the sight and discretioun of the maister of the carrage, and to make the said soume furthcummand to these whome the saids Lords sall appoint in this earand. And siclyke to command and charge the constables of eache parish to bring with thame and to delyver to the maister of the carrage ane list and roll of the nomber of hors that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the awners of the absent horses may be punished for thair failyie and dissobedience by poynding for the saids sax punds, as said is; certifeing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurre the said pane of sax punds for everie absent hors or not givin up be thame as absent and sall be poynded for the same accordinglie. And siclyke to command and charge the shireffs of Fyffe and Kinroscher and the conveenners of the justices of peace within the same and provests and baillies of the burrowes foresaids that they within thair severall bounds, offices and jurisdictiouns have ane speciall care that the particular constables of everie parish and generall constables of the shire, as alsua the parochiners of everie parish, doe and performe all and everie thing quhilk to thair severall charges apperteanes as they will ansuer upon the dewtifull discharge of thair offices."

Acta, June 1632-June 1634. Fol. 224, a.

Fol. 224, b.

Acts, June 1632-June 1634. Fol. 224, b. Fol. 225, a.

"Forsamekle as, altho by ane former act and proclamatioun made and published at the mercat croces of the Cannogait, Linlithgow, Stirline, Dunfermeline and Falkland, intimatioun wes made to all his Majesteis subjects who had tane anie loodgings and stables within anie of the saids burrowes and touns that they would be frustrat and disappointed thairof, and that the saids loodgings and stables would be tane up and marked for his Majesteis awne tryne and followers, notwithstanding the Lords of Secreit Counsell ar informed that diverse persouns hes tane loodgings in the touns and burrowes foresaids, so that suche of his Majesteis tryne and followers as necessarlie must be loodged neere to his Majesteis awne persoun during his abode at the burrowes and touns particularlie abonewrittin will be disappointed of thair loodgings and will be constrained to provide for thameselffes in remote and farre places frome his Majestie to the disappointing and neglecting of his Majesteis service and to his Majesteis high offence and discredite of the countrie; thairfoir ordains letters to be direct to make new publicatioun of the said former proclamatioun at the mercat croces of the burrowes and touns abonewrittin and to warne all persouns who hes tane or myndes to take anie loodgings or stables within the same that they provide thameselffes elliswhere, assuring thame if they failyie that they will be disappointed and that the saids loodgings and stables will be tane up for his Majesteis awne tryne and followers."

Proclamation forbidding all persons from taking lodgings in the Canongate, because his Majesty's train has to be lodged in the said burgh.

"Forsameekle as it is understand to the Lords of Privie Counsell that some trouble hes latelie fallin out betuix Johne Coilyear and Johne Williamesoun, burgesses of Kirkaldie, quhilk hes raised suche ane heate and animositie betuix thame and thair freinds that eache of thame ar seeking the occasioun of thair awne privat revenges to the disturbing of his Majesteis peace and to the heavie trouble and disquyeting of the burgh of Kirkaldie: thairfoir the saids Lords ordains letters to be direct charging both the saids parteis to compeir personallie before the saids Lords upon the fourt day of Junij nixt to underly suche order as sall be tane with thame for the peace and quyet of the countrie, under the pane of rebellioun, etc., with certificatioun, etc.; and in the meane tyme to command and charge thame to observe and keepe our soverane Lords peace ilke ane of thame with others, and that nane of thame presoome nor take upon hand to invade or persew one another for whatsomever deid, caus or occasioun otherwayes nor be order of law and justice, either of thame under the pane of three thowsand merkes, certifeing thame that does in the contrare that they sall be decerned to have incurred and to incurre the saids panes and letters, and executorialls sall be direct aganis thame for payment thairof to his Majesteis thesaurer in forme as effeiris."

Charge to John Collier and John Williamson, burgesses of Kirkcaldy, who are at feud, to appear before the Council and meantime to keep the peace

Fol. 225, b.

"Forsameekle as for the better provisioun and furnishing of his Majesteis hous with butter, cheis and all kynde of wylde foule and powtrie during his Majesteis abode in this kingdome, choise is made of

Charge to the lieges to support and further his Majesty's

caterers in the performance of their office.

Androw Russell, Williame Lindsey, Charles Coshe, and James Chalmers to have the charge of that service, and they ar nominat to be his Majesteis caters during his abode in this kingdome, quhairfoir necessar it is that they be fordered and assisted in everie thing quhilk may concerne thair office and charge in the service foresaid; and thairfoir the Lords of Secreit Counsell ordains letters to be direct charging all and sindrie shireffs, stewarts, provests and bailleis within burgh and others his Majesteis officers to burgh and land to concurre and assist the saids caters in the making of thair provisioun and furnishing for his Majesteis hous and in all and everie other thing belonging to thair office and charge during his Majesteis remaining and abode in this kingdome, and to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand to molest or trouble his Majesteis saids caters in following out of thair charge and service upon whatsomever cullour or pretext, under the pane to be punished in thair persons and goods as disappointers and hinderers of the tymous provisioun and furnishing of his Majesteis hous; and siclyke to command and charge all and sindrie his Majesteis lieges and subjects to suffer and permitt the saids caters and suche persons as sall be nominat and appointed be thame to take and slay wylde foule in anie bounds or parts of this kingdome for the furnishing of his Majesteis hous, as said is, as they and everie ane of thame will answer upon the contrarie at thair highest charge and perrell." Acta, June 1632-June 1634. Fol. 225, b.

Charge anent the highways between Edinburgh and Linlithgow.

"Forsameekle as in the report latelie made be the sheriff of Edinburgh principall and some of the justices of peace within the same anent the repairing of the hiewayes betuix Edinburgh and the furde of Kirklistoun, sindrie parts within the saids bounds are found necessarilie to be repaired and tymouslie to be helped for his Majesteis more sure and easie passage that way toward Linlithgow, bot as yitt they have resolved upon no course how the defects in the said way sall be repaired, quhairthrow that service is lyke to be disappointed if some tymous and speedie order be not tane for helping of the same; and thairfoir ordains letters to be direct charging Sir George Forrester of Corstorphine, knight, shireff principall of Edinburgh, Sir Williame Nisbit of the Deane and Alexander Foullis, younger of Colintoun, commissioners nominat for ryding and sighting of the saids hie wayes and who hes made thair report, as said is, that they conveene the justices of peace and the landed men, barons and gentlemen within the shirefdome of Edinburgh with all convenient diligence, and at thair meeting that they resolve upon some solide and sure course how and be whome the saids wayes sall be enlarged, mended and helped and made passable for horses, coaches and carts, and that they report unto the saids Lords upon the fourt day of Junij nixt ane direct and cleere ansuer that the saids hiewayes ar repaired and mended, at the least that the same sall be perfytted and done before the occasioun of his Majesteis ryding that Fol. 226, a.

14th June 1632-June 1634. Fol. 226, a. way, under the pane of rebellioun, etc., with certificatioun, etc. And siclyke to command and charge all his Majesteis lieges and subjects whome this service does concerne that they and everie ane of thame doe and performe that quhilk in this caise sall be injoynned unto thame, as they and everie ane of thame will ansuer upon the contrarie at thair highest charge and perrell, and under the pane to be punished in thair persons and goods as crossers and hinderers of his Majesteis service."

Charge anent the highways in Linlithgow.

"Forsamekle as in the report made be the commissioners nominat for surveying and sighting of the hiewayes where his Majesteis progresse will ly within the shirefdome of Linlithgow no report is made how and be whome the saids hie wayes sall be enlarged and mended, bot that point is yitt left undiscust and cleered, so as his Majesteis service is lyke to be disappointed if tymous remeid be not provydit; thairfoir ordains letters to be direct charging the shireff and justices of peace within the shirefdome of Linlithgow to conveene and meit within the tolbuith of Linlithgow with all convenient diligence and there to prescryve and sett doun the rule and order how and be whome the saids hiewayes sall be enlarged and mended and made passable for horses and carts, and lykewayes how his Majesteis carrage sall be lifted and caried fra Linlithgow to Stirline, with power to thame for this effect to sett doun suche acts and ordinances thereanent as they sall thinke meit and to see the saids acts receave dew and full executioun accordinglie, and that they report to the saids Lords upon the fourth day of Junij nixtocome ane exact accompt of thair diligence and that the saids wayes ar or sall be in dew tyme before his Majesteis comming that way weill repaired and the hors for carrage made sure, under the pane of rebellioun, etc., with certificatioun, etc. And siclyke to command and charge all his Majesteis lieges whome this service does concerne that they and every ane of thame doe and performe that quhilk in this caise sall be injoynned unto thame as they and everie ane of thame will answer upon the contrarie at thair highest charge and perrell and under the pane to be punished in thair persouns and goods as crossers and hinderers of his Majesteis service."

Fol. 226, b.

General constables to be chosen to superintend the conveyance of his Majesty's baggage.

"The Lords of Secreit Counsell for the better forderance of the service of his Majesteis carrage within the shirefdomes through quhilks his Majesteis progresse lyes ordains and commands the shireffs and conveenners of the justices of peace of the saids shirefdoms to caus choise be made of some honest and famous persons who ar messengers to be generall constables for the saids shirefdoms, to the effect that incaise of dissobedience to be givin to thame for the service of the carrage they may use charges aganis the dissobedients for performance of thair dewteis."

Obligation by George, Earl of Winton, for Andrew White, keeper of the Tolbooth of Edinburgh.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie George, Erle of Wintoun, and promeist and undertooke that Androw Whyte of Markill, keeper of the tolbuith of Edinburgh, sall be harmelesse and skaithlesse of Johne Hepburne, sone to Sir Robert Hepburne of Barefute, knight."

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Holyrood House, 15th May 1633. Letter of Council to the sheriff of Perth requiring that a new commissioner for Parliament be chosen instead of Sir George Hay.

Royal Letters, 1625-33. Fol. 230, b.

"After our verie heartilie commendatiouns. We ar informed that yow have made choise of Sir George Hay, knight, Master of Dupline, to be one of the commissioners for that shirefdome at this approacheing Parliament, bot upon good considerationns it is not thought fitt that he sall supplee that charge at this tyme bot that choise be made of some other baron and gentleman of good ranke and qualitie to attend that service; and thairfoir these ar to requeist and desire yow to conveene the small barons and freehalders of that shirefdome with all convenient diligence, and at thair meiting that yow shew unto thame the necessitie of a new commissioner to be chosin in place of the said Sir George Hay to attend the said Parliament and that yow deale and insist with thame to make choise of some famous and worthie gentleman to be commissioner in place of the said Sir George Hay, and that the small barons have ane speciall care that thair commissioners be weill and honorable sett out and provided with foote mantells and other furniture fitting to that honnorable actioun wherein they ar imployed, upon the charges and expensses of the saids small barons and freehalders, as is done in the remanent shires of this kingdome, and conforme to the lawes and Acts of Parliament made to that effect. And recommending this to your care and diligence as a point of his Majesteis service, quhilk may not suffer delay, and that yow report the Act of the electioun autentiklie subscryvit and sealed to his Majesteis Counsell betuix and the last day of this instant, we committ yow to God. Frome Halyrudhous, 15 May, 1633. *Subscribitur*, Geo. Cancell., Mortoun, St Andrewes, Hadintoun, Glasgow, Winton, Wigtoun, Lauderdaill, Air, Jo. Isles."

Holyrood House, 17th May 1633. To the Earl of Dunfermline.

Fol. 231, a.

"After our verie heartilie commendatiouns to your good lordship. Whereas the Kings Majestie intends, God willing, to be at Dumfermeline upon Thursday the fourth of July now approacheing and to remove therefra towards Falkland upon the morne thereafter, being the fyft, it is thairfoir verie necessar for the honnour and credite of the countrie that his Majestie sall be attended and accompanied frome Dumfermeline to Falkland be your lordship, as baillie of the regalitie of Dumfermeline, accompanied with the noblemen, barons, vassalls, fewers and gentlemen of the said regalitie weill horsed and in good equippage, and for this effect these ar to requeist and desire your good lordship to give tymous warning and advertisement to the saids noblemen, barons, vassalls, gentlemen and fewers of the said regalitie within the sherefdome of Fyffe that they and everie ane of thame, weill horsed and in good equippage and apparrel, prepare thameselffes to meit your lordships at Dunfermeline upon the said fyft day of July nixtocome and to attend and await with your lordship upon his Majesteis convoy therefra towards Falkland, and your lordship is to have a speciall care that no rascalls, commouns nor others be suffered to be in your lordships companie, bot gentlemen weill horsed and in good equippage; and for the commouns they ar not to be hindered

Royal Letters, 1633-35. Fol. 281, a.

to stand upon the gait sides and to gett a sight of his Majestie; and recommending this to your lordships care as a point of service highlie concerning his Majesteis contentment, your lordships owne honnour, and credite of the countrie, we committ your lordship to God. Frome Halyrudhous, 17 May, 1633. *Subscribitur*, Geo. Cancell., Mortoun, Tracquair, J. Hay, Sr Thomas Hop."[1]

Acta. June 1632-June 1634. Fol. 227, a.

Sederunt—Chancellor; Treasurer; St. Andrewes; Privy Seal; Bishop of Glasgow; Lauderdaill; Viscount of Air; Tracquair; Clerk Register.

Holyrood House, 20th May 1633.

Warrant from his Majesty for the removal of Lord Ochiltree from the Tolbooth of Edinburgh to the Castle of Blackness.

"The whilk day the letter underwrittin, signed be the Kings Majestie and this day presented to the Lords of Secreit Counsell, wes read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, and trustie and weilbelovit counsellers, we greit yow weill. Whereas for good considerations knowne unto us we have thought fitt that the Lord Uchiltrie[2] be removed frome our tolbuith of Edinburgh to our castle of Blacknes, thairfoir it is our pleasure that immediatlie upon sight heirof yow give order for removing of the said lord frome our said tolbuith to our said castell, there to remaine in closse prison till our further pleasure be signified thereanent, for doing whairof these presents sall be unto yow ane sufficient warrand. Frome our Court at Theobalds, the 13 of May, 1633. In obedience of quhilk letter the saids Lords ordains the said Lord Uchiltrie to be transported fra the tolbuith of Edinburgh, where he now remaines, to the castell of Blacknes be the shireff of Edinburgh, unto whome the saids Lords ordains ane letter to be writtin ordaining the said shireff, accompanied with a sufficient number of gentlemen, his friends, to receave the said lord fra the provest and bailleis of Edinburgh the morne at twa of the clocke in the afternoone and to convoy and transport him in safetie therefra to the castell of Blacknes, and there to delyver him to the Erle of Linlithgow, keeper of the said castell, unto whome the saids Lords lykewayes ordains ane missive to be writtin commanding the said Erle to attend at the Blacknes the morne at twa of the clocke in the afternoone and there to receave the said Lord Uchiltrie frome the said shireff and to committ him to waird within the said castell and to keepe and deteane him therein till he understand forder of his Majesteis will and pleasure concerning him; and ordains ane warrand to be direct to the provest and bailleis of Edinburgh to delyver the said Lord Uchiltrie to the said shireff of Edinburgh to the intent he may be convoyed be him to the said castle of Blacknesse."

[1] Here ends this volume of the Register of Royal and other Letters.

[2] For the previous proceedings against Lord Ochiltree see Index to the preceding volume of the Register.

Holyrood House, 25th May 1633.

Sederunt:—Chancellor; Treasurer; Privy Seal; Bishop of Glasgow; Lauderdaill; Viscount Air; Clerk of Register; Secretary; Sir Robert Douglas; Master of Requests. Acts, June 1632-June 1634. Fol. 227, b.

Letter from his Majesty anent the office of Lord High Constable.

"The whilk day the missive letter under writtin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in their audience, of the whilk the tennour followes:— CHARLES R.—Right trustie and weillbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, right trustie and weilbelovit counsellers and trustie and weilbelovit counsellers, we greet yow weill. Whereas according to our commissioun of the first of July, 1631, directed to certane commissioners for trying what privileges and digniteis belong to the office of high constabularie of that our kingdome, report hes beene made unto us of what is justlie dew unto the said office, we doe approve the same; bot understanding that there ar other digniteis and charges whiche doe belong unto our high constable at the tyme of our coronatioun whiche the saids commissioners have not takin to thair consideratioun, which he alledgeth doe lykewayes belong to his office, as you may know by that part of the booke of the coronatioun margined whiche he will produce unto yow, wherein you will find particularlie mentiouned what he thinkes belongs unto him; our pleasure is that yow take the premisses into your serious consideratioun, and if yow find his allegatiouns just, that yow authorize him for discharging of the same and whatsoever ellis yow find to be justlie dew unto his place, that no hinderance nor trouble be in the executioun thairof at our being there; whiche recommending to your care we bid yow farewell. Frome our court at Theobalds, the 11 of May, 1633."

Letter from his Majesty anent the circulation of foreign coin.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presented to the said Lords and read in their audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, right trustie and weilbelovit counsellers, and trustie and weilbelovit counsellers, we greit yow weill. Whereas we have beene pleased to write unto yow at severall tymes that the abuse tuicheing the forrane coyne now current in that our kingdome might be remedied, and whereas at this tyme certane overtures herewithin enclosed have beene presented unto us touching that purpose, we ar heirby pleased to remitt thame unto your Fol. 228, a. consideratioun requyring (after yow have callit the commissioners of our free burrowes before yow for acquainting thame with the overtures and for hearing what propositioun they can make or what they will contribute thereunto and finding anie of those overtures fitt for rectifeing of that abuse or anie other propositioun to be thought upon by your selfes or others) that yow certifie us at our comming what course is fittest to be takin for the publict good and credite of that our ancient kingdome;

Acta, June 1632-June 1634. Fol. 228, a.

whiche recommending unto your care we bid yow farewell. Frome our court at Theobalds, the 15 of May, 1633. Quhilk missive being heard and considderit be the saids Lords they have remitted and remitts the consideratioun of this mater to the Estaits of Parliament."

Sederunts, November 1629-January 1635. Fol. 105, a.

In the Sederunt here "Iles" is added.

"A letter to the shireff of Hadintoun to attend the Erle of Wintoun for making his Majesteis convoy frome Dunglas to Seatoun."

The convoy of his Majesty from Dunglass to Seaton.

"A letter frome his Majestie anent the difference betuix some noblemen."

Differences between certain noblemen.

"The Thesaurair, Lauderdaill, Air, Secretar, Maister of Requeists to attend his Majestie at Bervick."

Persons to attend his Majesty at Berwick.

"The Counsell to meit his Majestie at Seatoun."

The Council to attend his Majesty at Seaton.

Acta June 1632-June 1634. Fol. 228, a.

Sederunt:—Chancellor; Treasurer; Privy Seal; Glasgow; Linlithgow; Lauderdaill; Air; Lorne; Bishop of Dumblane; Bishop of the Yles; Melvill; Carnegie; Tracquair; Secretary; Clerk of Register; Advocate; Master of Requests.

Holyrood House, 29th May 1633.

"Forsameekle as the Kings Majestie, by his letter directed to the Lords of Privie Counsell, hes signified his royall will and pleasure that his trustie and weilbelovit cousine, the Duke of Lennox,[1] sall be promoved and advanced to be ane of his Majesteis privie counsell of this kingdome, in humble obedience of whilk letter the saids Lords hes receaved and admitted and be the tennour heirof receaves and admitts the said Duke of Lennox to be one of the privie counsell of this kingdome and to bruike and injoy all honours, digniteis and priviledges proper and dew to that place; and whereas the necessitie of the said Duke of Lennox his attendance upon his Majesteis royall person at Court disables him to come heere at this tyme to give the accustomed oath of alledgeance and of a privie counseller, and the saids Lords being loath that upon this occasioun he sall be prejudged of that favour whiche his Majestie hes beene gratiouslie pleased to vouchesafe upon him, thairfoir the saids Lords, according to the warrand and directioun of the said letter, hes givin and grantit, and be the tennour heirof gives and grants full power and commissioun be thir presents to James, Marqueis of Hamilton, Williame, Vicount of Stirline, principall Secretar of this kingdome, and to suche others of the Privie Counsell of the said kingdome as sall be at Court, or to anie one of thame with the said Vicount of Stirline, to minister unto the said Duke of Lennox the oath of alledgeance and of a privie counseller, and that the said Vicount of Stirline, his Majesteis Secretar, make ane note and act thairupon and report the

Appointment of persons to receive the oath of the Duke of Lennox, who has been admitted a member of Council, but is detained by his attendance on his Majesty.

Fol. 228, b.

[1] James, fourth Duke of Lennox, afterwards married to the only daughter of the Duke of Buckingham, and distinguished by his devotion to Charles in his misfortunes.

same to be insert and registrat in the bookes of Privie Counsell to the intent that accordinglie the said Duke of Lennox may be acknowledged, honnoured and respected as one of the honnourable Privie Counsell of this kingdome. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trusty and weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellours, we greit yow weill. Understanding the sufficiencie of our right trustie and weilbelovit cousine, the Duke of Lennox, and of his affectioun to our service, we ar moved in regarde thairof and of other speciall considerations knowne unto us to advance and promove him to be one of our Privie Counsell of that our kingdome; but he being resident about our person, and we being willing that in the meane tyme he be admitted thereupon with als muche diligence as may be before our comming there, our pleasure is and we doe heirby require that with all conveniencie yow send hither unto our Court where we sall be for the tyme a commissioun unto some of our Privie Counsell of that our kingdome who sall be heere for administring unto him the oath accustomed in the like cases or suche as yow sall thinke fitt to that purpose whereby he may be admitted to be one of our Privie Counsell and receaved in that place as one of your nomber, for doing whairof these sall be your warrand. Frome our court at Worsope, the 21 of May, 1633." Acta June 1632-June 1634. Fol. 228, b.

Charge for the removal of persons from lodgings in Edinburgh and Leith so that there may be accommodation for his Majesty's train.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is nombers of persons within the burgh of Edinburgh, the Cannogait and Leith, and in the Cannomylnes who hes tane houses, chambers and stables within the saids burrowes and touns, the present possessours of quhilks houses, chambers and stables lingers and delayes thair removing therefra till after the terme of Witsonday, whilk is the ordinar terme of removing and quhilk will fall out in the verie mean tyme when his Majestie, accompanied with his tryne and followers, will be heere and the flitting and removing at that tyme will be verie unseasonable and untymous and will produce verie great confusion and disorder and disappoint nombers of his Majesteis tryne and followers of thair loodgings and stables, to the great discredite of the countrie and to his Majesteis high offence if some present course be not tane to prevent the same; thairfoir the Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh, the bailleis of Leith and the Cannogait, and bailleis of the baronie of Brouchtoun that they and everie ane of thame within thair awne bounds and jurisdictiouns, caus the haill persons who ar presentlie dwelling in anie loodgings and houses formerlie tane be others or whilks ar designed and givin up for his Majesteis tryne and followers, to remove therefra and to leave the same voide and red, to the intent the persons who hes tane the same may tymouslie and peaceablie enter thereto and be the more readie to prepare and dresse the same for the recept and interteaning of suche of his Majesteis tryne Fol. 229, a.

Acta, June 1632-June 1634. Fol. 229, a.

as sall be billetted and directed to thame, and that all the saids houses whilks ar tane, as said is, be made voide and patent for the intrant tennent ten dayes before his Majesteis comming, as the saids provest and bailleis will ansuer upon thair obedience. And siclyke that they caus publict intimatioun be made throw thair touns be sound of drum that no persons whatsomever presoome nor take upon hand to take any loodgings or stables quhilks ar designed and tane up be his Majesteis harbenger bot that they be keeped free for receaving of suche as sall be billetted and directed to thame, and if any sall doe in the contrare heirof that the saids magistrats have a speciall care and regarde that the persouns, takers of the saids loodgings, houses and stables be disappointed thairof and the same preserved and keeped for the use of his Majesteis tryne and followers, as they will ansuer upon the contrarie at thair perrell."

Charge for a report on the estate of the Laird of Luss with a view to the aliment of the Lady of Luss. See *ante*, p. 42.

" Forsameekle as the Kings Majestie, by his letter writtin and directed to the Lords of his Majesteis Privie Counsell, hes signified his royall will and pleasure that the saids Lords sould informe thameselffes frome suche persouns to whome the Laird of Lus hes entrusted the menaging of his estait how the said ladie is provided, what is the estait of the hous and living of Lus as it now is, with the haill debts wherewith it is burdenned, and what will fall to his Majestie be the Laird of Lus his escheit, to the intent that his Majestie may accordinglie give suche ane ansuer as in his princelie judgement he sall thinke fitt to ane humble sute made to his Majestie in the behalfe of the Ladie Luss that she might have sufficient maintenance allowed for her interteanement, becaus, as she affirmed, she had nane for the present tyme; in obedience of whilk letter the saids Lords hes alreadie tane some panes and travellis to informe thameselffes in this bussines and ar to follow out the rest of the tryell and examinatioun in all the particulars concerning the same, and in the meanetyme reasoun and justice craves that the whole rents and dewteis of the living of Luss sall be sequestrat in the hands of the chamberlans and intromettors therewith to remaine in thair hands undispouned or givin up to anie person or persons bot to be made furthcummand to his Majestie and his officers as they sall be required thereto; and for this effect ordains letters to be direct charging the whole chamberlans and intrometters with the rents and dewteis of the living of Lus to reteane in thair hands the saids haill rents and dewteis alreadie intrometted with be thame and wherewith they sall intromett and uplift at anie tyme heerafter, and that they in no wayes presoome nor take upon hand to make payment or delyverance of anie part or portion thairof to anie persons whatsomever, bot that they reteane the same and make the same furthcummand to his Majestie and his officers as they sall be required thereto, under the pane to be callit, persewed and punished as contemners of his Majesteis royall commands and directiouns and to be made answerable and comptable to his Majesteis officers for all that they have receaved or sall heerafter receave of the saids rents and living."

Fol. 229, b.

Letter from his Majesty anent the disputes between certain noblemen regarding their privileges at the coronation.

Acta, June 1632-June 1634. Fol. 230, a.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Secreit Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellers, we greit yow weill. Whereas there ar diverse differences (as we ar informed) concerning some priviledges at our coronatioun and parliament amongst our right trustie and weilbelovit cousine, the Duke of Lennox, our right trustie and weilbelovit cousine and counseller, the Marqueis of Hamilton, our right trustie and weilbelovit cousines, the Marqueis of Huntlie, the Erle of Angus, the Erle of Erroll, and our right trustie and weilbelovit cousine and counseller, the Erle Mairshell, we ar desyrous that before our being there all differences of this nature may be removed; and thairfoir it is our pleasure that yow call the saids parteis before yow, or suche as they sall appoint to answere for thame in thair absence, and having heard what things in this kynde ar contraverted amongs thame and the reasouns and alledgeances of eache partie therein, that then, if yow can, compound the differences amongs thame, or, if yow can not, than to report the trew estait thairof with your opinioun what is to be done therein at our comming thither. So expecting your care and diligence heerin we bid yow farewell. Frome our court at Theobalds, the 13 of May, 1633."

Letter from his Majesty anent certain complaints of the free burghs touching the office of the Lord High Constable.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and trustie and weilbelovit counsellers, we greit yow weill. Whereas by our letter unto yow of late we wer pleased to approve the certificat that wes returned unto us concerning the office of our High Constable, remitting to your serious consideration the justnesse of the allegatiouns therein conteanned; being since informed by the commissioners of our free burrowes that they ar likelie to be verie muche wronged thereby, as we desire not to derogat anie way frome the said office in what is justlie dew thereunto, so it is no way our intentioun to prejudge anie of our saids burrowes in thair lawfull rights grantit by our royall progenitors unto Fol. 230, b. thame; it is our pleasure that yow call thair commissioners before yow, and having heard thair objections in the said mater in presence of the other partie, if yow sall find thair differences to arise upon thair rights and possessiouns that if yow can, yow compone the differences betweene thame, or, if yow can not, than to report to us the trew estait of the bussines with your opinioun what is to be done upon it at our comming in so farre as concernes the said difference; whiche recommending to your care we bid yow farewell. Frome our court at Theobalds, the 13

A°. June 1633. Fol. 230, b.

of May, 1633. Quhilk missive being heard and considderit be the saids Lords and they advised therewith they ordaine the parteis be thair commissioners and agents to be warned to compeir before the saids Lords upon Fryday nixt."

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Mairshell; Wintoun; Linlithgow; Roxburgh; Perth; Lauderdaill; Bishop of Dumblane; Viscount Air; Bishop of the Yles; Lord Lorne; Melvill; Carnegie; Tracquair; Secretary; Clerk of Register; Advocate; Justice Clerk; Master of Requests; Sir Robert Douglas; Sir James Baillie. Holyrood House, 31st May 1633.

Commission appointed to report on the privileges of the Lord High Constable at the coronation.

"The Lords of Secreit Counsell gives and grants full power and commissioun be thir presents to Patrik, Archbishop of Glasgow; Johne, Bishop of the Yles; Robert, Lord Melvill; Sir Archibald Achesoun, Secretar; Sir James Galloway, Maister of Requeists, and Sir Robert Dowglas, knight, or anie foure of thame, to try what priviledges are dew to Williame, Erle of Erroll, Lord High Constable of this kingdome, at the tyme of his Majesteis coronatioun."

Commission appointed to inquire into the differences between the Marshal and the Constable.

"The Lords of Secreit Counsell gives and grants full power and commission be thir presents to George, Vicount of Dupline, Lord High Chanceller of this kingdome; Williame, Erle of Mortoun, Thesaurar; Thomas, Erle of Hadinton, Lord Privie Seale; Alexander, Erle of Linlithgow; Robert, Erle of Roxburgh; and Sir Johne Hay, Clerk of Register, or anie foure of thame, to heare the differences betuix the Constable and Mairshell and to use thair best endeavoures for composing of the same, and in caise of variance to report to the Counsell; and ordains the saids commissioners to conveene and meit for this effect the morne at eight of the clocke in the morning in the said Lord Chancellers hous."

Fol. 231, a.

The burgh of Edinburgh and the privileges of the Lord High Constable.

"The Lords of Secreit Counsell assignes to Johne Sinclar and Williame Gray, bailleis of Edinburgh, Tuisday nixt to ansuer to the certificat made to his Majestie concerning the office of constabularie and priviledges thereto belonging for what concernes the toun of Edinbuagh, and ordains the double of the said certificat to be givin to the bailleis to be advised thairwith."

Direction to the general officer of the Mint anent copper coin.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt, signed be the Kings Majestie and this day presented to thame, ordains and commands the generall maister cunyear and others officers of his Majesteis cunziehous, to delyver to Nicolas Briot, Frencheman, the quantitie of copper coyne sequestrat be thame for the inequalite of the weight, to the intent the same may be mingled and reduced to the merk weight, anent the doing whairof thir presents, with the said Nicolas his ticket upon the recept of the said copper coyne, sall be unto the said generall maister cunyear and others officers of the cunzie-

hous ane warrand. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, and trustie and weilbelovit counsellers, we greit yow weill. We have sent the inclosed petitioun to be considderit by yow, and if yow find the errour therein mentiouned to have fallin out (as is probablie affirmed) by a casuall oversight in the workemen and not by a designe in the petitioner, our pleasure is that (without conseqnence of anie toleratioun in tyme to come) yow take for the present suche course as without prejudice to our good subjects of that our kingdome may best tend to the petitioners demand; and for your so doing these presents sall be your sufficient warrand. Frome our court at Whitehall, the 5 day of Aprile, 1633." Acta, June 1632-June 1634. Fol. 231, a.

Direction to the master of the wardrobe.

"The Lords of Secreit Counsell ordains and commands the maister of his Majesteis wardrop to delyver out of the wardrob to his Majesteis officers suche moveables and houshold stuffe upon inventar as belongs to everie mans place at the sight and appointment of the greene cloath, to whome the Lords remitts the orders to be sett doun for securing the redelyverie of what they sall receave." Fol. 231, b.

Anent the privileges of the Earl of Angus.

"The quhilk day the Erle of Angus, compeirand before the Lords of Privie Counsell, produced an infeftment bearing the Erles of Angus to have the first place in sitting and voting in Parliament and conventions, leaders of the vantgaird of the Kings armeis, and cariers of the crowne in Parliaments." Sederunts, November 1629-January 1635. Fol. 105, a.

Anent the privileges of the High Constable.

"A missive frome his Majestie tuicheing the priviledges acclaymed be the Constable to be dew unto him the tyme of the coronatioun, for cleering quhairof a commission ordained to be past," as on p. 107 *ante*. Fol. 105, b.

Warrant to Mr. Nicholas Briot to construct medals commemorative of the coronation.

"The whilk day Mr Briot produced ane warrand under his Majesteis hand direct to him for the fabricatioun of the medalls appointed by his Majestie for the coronatioun; according quhairunto the Lords ordains the said Mr Briot to proceid to the working and printing of ane hundreth peeces of gold at the worth of 20s. sterline the peece, and twa thowsand peeces of silver at twelffe pence the peece, of the weight and fynnesse of his Majesteis standart."

Holyrood House, 3rd June 1633.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Lauderdaill; Air; Areskine; Bishop of Dumblane; Bishop of the Yles; Melvill; Naper; Tracquair; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir Robert Douglas; Master of Requests. Acta, June 1632-June 1634. Fol. 231, b.

Directions anent the conveyance of his Majesty's baggage from Holyrood to Dunglass.

"Forsameekle as the Lords of Secreit Counsell hes found it necessar that the provisiouns requisite for his Majesteis being at Dunglas sall be transported frome Edinburgh to Dunglas aganis the fyft day of Junij instant, and for this effect hes givin order and directioun to the maister

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[illegible] 231, b.

of his Majesteis carrage and his aydes to have carts and others necessar for carrage in readines; and whereas the parishes of Mussilburgh and Hadinton ar thought fittest be the master of the carrage to be imployed in this service; thairfoir the saids Lords ordains letters to be direct charging William Tod in Fisherraw, constable of the toun, and incorporatioun of Mussilburgh, where there is 30 carts, with 3 hors in ilke cart, and 30 hors with creillis and hochams givin up for lifting his Majesteis carrage, to caus bring and send the nomber of carts and horses abonewrit, at the least so manie of thame as the maister of his Majesteis carrage or his aydes sall injoyne unto thame, from Mussilburgh to Edinburgh for lifting of his Majesteis provisioun frome Halyrudhous to Dunglas upon Wedinsday nixt, the fourt of Junij instant, at three of the clocke in the morning; and siclyke to command and charge Robert Spence, James Home and James Veitche, constables of the parish of Hadintoun, where there is 80 carts givin up for carrage, to caus bring and send so manie of the saids carts and hors as the maister of the carrage or his aides sall injoyne unto thame to Hadintoun upon the said fyft day of Junij instant at ten of the clocke in the forenoone for lifting his Majesteis said provisioun therefra to Dunglas, under the pane of sax punds for ilke hors that sall be absent and sall not keepe the

[illegible] 232, a.

tymes respective foresaids, quhilks panes sall be uplifted of thame without favour; and siclyke to command and charge the provest and bailleis of Hadintoun and the bailleis of Mussilburgh to have ane speciall care that the parochiners within thair bounds send in the nomber of carts and horses foresaids in maner abonewrittin, as they will answere upon the dewtifull discharge of thair offices."

Charge to the magistrates of Edinburgh and other burghs to seek out persons to assist James Liddell, his Majesty's pastryman.

"The Lords of Secreit Counsell, considering that there is a verie great necessitie that James Liddell, serjant of his Majesteis paistrie, be assisted and furnished with a sufficient nomber of skilled and able persons to serve his Majestie in that service upon his Majesteis charges during the tyme of his being in this kingdome, thairfoir the saids Lords ordains and commands the provests and bailleis of Edinburgh, Linlithgow, Stirline, Dumfermeline, Falkland, and of all others burrowes and touns of this kingdome, and all others his Majesteis judges, officers and magistrats to burgh and land, that they and everie ane of thame caus suche persons, inhabitants within thair bounds, as sall be givin up to thame be the said James Liddell to attend and await upon the said James and to follow and obey his directiouns in all and everie thing concerning that service, as the saids provests and bailleis will ansuer upon the dewtifull discharge of thair offices."

Sederunt ut die prædicto.

Holyrood House, 4th June 1633.

Similar charge anent assistants to his Majesty's bakers.

"The Lords of Secreit Counsell, considdering that there is a verie great necessitie that Thomas Spence, Crystall Russell and Thomas Stennop,

baxters to his Majestie, be assisted and furnished with a sufficient nomber of skilled and able persouns to serve his Majestie in that service upon his Majesteis charges during the tyme of his being in this kingdome, thairfoir the saids Lords ordains and commands the provest and bailleis of Edinburgh, Linlithgow, Stirline, Dumfermeline and Falkland, and of all others burrowes and touns of this kingdome, and all others his Majesteis judges, officers and magistrats to burgh and land, that they and everie ane of thame caus suche persons, inhabitants within thair bounds, as sall be givin up to thame be his Majesteis saids baxters to attend and await upon thame and to follow and obey thair directiouns in all and everie thing concerning that service, as the saids provest and bailleis and others foresaids will ansuer upon the dewtifull discharge of thair offices." Acta, June 1632-June 1634. Fol. 232, a.

Anent the English riders attending his Majesty.

"To advise with the King whether the English sall ryde together after his Majestie or if they sall ryde promiscuouslie with the natives." Sederunts, November 1629-January 1635. Fol. 106, a.

Anent alms, the form of riding, and the order of the bishops' riding.

"Avisandum anent the eleemosynar, as alsua anent the forme of ryding at the coronatioun, and tuicheing the order of the bishops ryding."

Holyrood House, 6th June 1633.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Lauderdaill; Viscount Air; Bishop of the Yles; Lord Lorne; Lord Areskine; Melvill; Naper; Tracquair; Secretary; Clerk of Register; Advocate; Justice Clerk; Master of Requests. Acta, June 1632-June 1634. Fol. 232, b.

Directions anent the highway between the Watergate of the Canongate and Leith.

"Forsameekle as the hie wayes betuix the Water yett of the Cannogait and the toun of Leith is verie unpassable in sindrie parts thairof for hors and coaches, quhilk will be a verie great discredite to the countrie if in suche ane eminent place so neere his Majesteis palace his Majesteis common hie way sall not be passable; thairfoir the Lords of Secreit Counsell hes thought meit, concluded and ordained that the said hie way betuix the water yett and Leith sall with all convenient diligence be enlarged, helped and repaired be the Lord Balmerinoch, the fewers of Restalrig, the baron baillie of Brouchtoun and bailleis of the Cannogait with the helpe and assistance of the inhabitants within these bounds; and thairfoir ordains letters to be direct charging the persons particularlie abonewrittin that with all convenient diligence they putt too warkemen to helpe, repaire, enlarge and mend all the defects in the way betuix the Water yett and Leith and make the same faire, easie and passable for hors, coaches and carts, and perfyte and mend the same betuix and the 15 day of Junij instant at night, certifeing thame if they failyie that they sall be callit and conveenned before his Majesteis Counsell and sall be severelie censured and punished as contemners of his Majesteis royall directiouns in a peece of service so highlie concerning his Majesteis contentment and credite of the countrie."

Charge anent the repairing

"Forsameekle as in the report made to the Lords of Secreit Counsell

June
June
232, b.

be the shireffs of Edinburgh and Linlithgow and justices of peace within the saids shirefdomes anent the repairing of the hie wayes and passages within the saids bounds there is no sattled nor sure course resolved upon how that part of the hie wayes fra the west part of the parish of Cramound to Kirklistoun furde, wherein that part callit the Brigs stands, sall be helped and repaired, quhilk for the present is so ruinous and the calsey leading to the saids Brigs so brokin as there is no sure passage that way nather for hors nor coaches, quhilk will be ane verie great hinder to his Majestie in his remove fra Halyrudhous to Linlithgow and will be ane very great discredite to the countrie, if in such ane eminent part, and in the hie way betuix the west and east parts of this kingdome, his Majesteis passage sall be interrupted or be hard and difficill. And whereas the necessitie of the repairing of these bridges will require a present doing by some selected parts of the countrie who lies most ewest and ar nixt adjacent thereto, thairfoir the Lords of Secreit Counsell hes resolved, concluded and ordained that the saids Brigs sall be helped, repaired and made passable for horses and coaches be the parochiners of Cramound and Kirklistoun, quhilks ar the nixt adjacent parishes to the saids bridges, and within the quhilk parish of Kirklistoun the westmest of the bridges stands; and thairfoir ordains letters to be direct charging the shireffs of Edinburgh and Linlithgow and the conveenners of the justices of peace within the saids shirefdomes that they with all convenient diligence, eache of thame respective within thair awne bounds, conveene the noblemen, barons and gentlemen of the saids twa parishes and at thair meiting that they propone and show unto thame the present necessitie of the repairing of the saids bridges and how the burdein thairof is layed upon thame, and that they sight and consider the saids bridges and in what estait they presentlie stand, and what charges and expences the reparatioun thairof and making the same passable for carts and horses will require, and how and be whome the same sall be payed, and that they have a speciall care to see the course to be sett doun be thame preciselie keeped and the saids bridges to be sufficientlie repaired betuix and the tyme of his Majesteis progresse that way; and wherein they sall crave the auctoritie and assistance of his Majesteis Counsell upon report to be made thairof unto thame it sall be grantit; and that the saids shireffs and justices of peace proceed and goe on in this bussines, quhilk may suffer no delay, with all diligence, as they will ansuer upon the dewtie of thair offices."

of bridges between Cramond and Kirkliston.

233, a.

Ponderunta, November 1633-January 1635.
106, a.

"A letter to his Majestie shawing the toun of Edinburgh thair refuisall to ansuer to the certificat returned to his Majestie concerning the priviledges due to the office of constabularie in respect of the Burrowes absence and that they wer not conveenned to that effect; and that the Constable desired that the toun of Edinburgh might ansuer for what concerned thame in thair particular interesse, seing at this time of the Parliament the questioun would onlie fall out betweene the Constable

Letter to his Majesty anent the dispute between the town of Edinburgh and the Lord High Constable.

See *ante*, p. 107.

and the toun, whiche the toun refuised to doe, alledging that they could not divide thair interesse frome the free burrowes." Sederunta, November 1629-January 1635. Fol. 106, a.

The Lyon-King and the riding at the coronation. "Avisandum anent the first of the Lyons articles, as lykewayes anent the ryding at the coronatioun."

Holyrood House, 12th June 1633. *Sederunt*—Chancellor; St. Andrewes; Privy Seal; Glasgow; Linlithgow; Perth; Roxburgh; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Areskine; Melvill; Naper; Tracquair; Advocate; Justice Clerk; Master of Requests; Sir Robert Douglas. Acta, June 1632-June 1634. Fol. 233, b.

Anent his Majesty's entry into Edinburgh and the coronation. "The Lords of Secreit Counsell having takin to thair consideratioun the forme and order fitting to be observed at his Majesteis entrie within the burgh of Edinburgh,

The Scottish nobility to ride before and the English nobility after his Majesty. "It is thought meit that the Scotish nobilitie sall preceed and ryde immediatlie before his Majestie, and that the English nobilitie sall ryde behind his Majestie, and that the nobilitie sall keepe thair rankes without mixing up with the gentrie, and that the Lord Mairshell have ane care that they ryde in order without preasse or confusioun.

His Majesty to mount his great horse near St. Cuthbert's church. "The Lords thinkes fitt that his Majestie about the west end of the long gait neere to St. Cuthberts church sall take his great hors whereupon he is to enter in the toun, and that the heretour and tennent of the ground sall be satisfied of the skaith whilk they sall susteane upon that occasioun.

"That a sword be caried before his Majestie at his entrie within the toun, and that the same be delyvered be the Lord Chamberlane to suche a nobleman as the King sall appoint for the carying thairof.

"Anent the carying of the cannopie the tyme of his Majesteis coronatioun, it is thought meit that there be ane list of twelffe noblemens sones presentit to his Majestie to the intent his Majestie may out of these make choise of sax for the service foresaid.

"It is thought meit that the haill noblemen and bishops, with sax commissioners for the gentrie and sax for the burrowes, sall that morning of the coronatioun goe to the Kings presence and there make tender of thair dewtie in name of the Estaits in the words sett doun in the booke of the coronatioun, quhilk speeche sall be delyvered be the Lord Chancellor.

"That his Majestie be consulted anent the order and place to be keeped be the Lords Chanceller and Constable in thair ryding the tyme of the entrie, coronatioun and parliament, as lykewayes anent the place and order of ryding of the bishops the tymes foresaids.

The almoner on the day of the coronation. "Remitts to his Majestie who sall be almoner the day be the coronatioun.

The Honours. "That the honnours be caried be the same persons at the coronatioun who ar to carie the same at the parliament, to witt, the eldest in creatioun.

Acta, June 1633. Fol. 234. a.

"Remitts to his Majestie who shall carie the spurres. The spurs.

"The apparrelling and disrobing of his Majestie the day of the coronatioun and during the action thairof belongs to the Lord Chamberlane in the right of his office. The Lord Chamberlain to robe and disrobe his Majesty.

"The girding of the King with the sword, as lykewayes the drawing of the sword, perteanes to the Constable. The Constable to gird the King with his sword.

"The presenting to his Majestie of the temporall lords who ar to give thair oath and kisse his Majesteis cheeke is dew to be done by the Constable. The Constable to present the lords who are to kiss his Majesty's hand.

"That his Majesteis pardon be not extended to Johne Toshe, bot that he be excepted therefra and frome all benefite of the same." That John Toshe be excluded from his Majesty's pardon.

"The whilk day the Lords of Secreit Counsell, according to ane warrand and directioun in writt, signed be the Kings Majestie and this day presented unto thame, receaved and admitted Williame, Erle of Erroll, Lord High Constable of this kingdome,[1] to be one of the Privie Counsell of the said kingdome, and to bruike and injoy all honnours, digniteis, liberteis and priviledges proper and dew to that place; lykeas the said Erle being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto him by preferring and promoving him to this place of dignitie and honnour, he with all dew reverence on his knees made and gave the oath of alledgeance and the oath of a privie counseller. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trusty and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trusty and weilbelovit counsellers, we greit yow weill. We, being informed of the sufficiencie of our right trustie and weilbelovit cousine, the Erle of Erroll, and of his affectioun to our service, ar moved in regarde thairof and of his charge in our service as High Constable of that our kingdome to admitt and promove him to be one of our Privie Counsell thairof; thairfoir our pleasure is and we doe heereby require yow that, having administered unto him the oath accustomed in the like caises, yow admitt him to be one of your nomber, for doing whairof these presents sall be your warrand. Frome our court at Yorke, the 28 of May, 1633." The Earl of Errol admitted to the Council.

Fol. 234. b.

"Forsameekle as the commissioners nominat for surveying of the hie wayes betuix Stirline and Dumfermeline and making the same passable for coaches and carts having tane some course and order in that mater, and thair directiouns being satisfied throughout the saids haill bounds except within the parish of Logie, the inhabitants whairof hes refuised and refuises in anie caise to contribute thair helpe in that most important bussines, although it be weill knowne unto thame that the mainest defects and greatest difficulteis for passage within the saids haill bounds is within that parish; and as that peece of service is like to be neglected Charge to the parishioners of Logie to repair the highways in their parish, which they have hitherto refused to do.

[1] He was the ninth Earl of Errol.

to his Majesteis offence and hazard of his whole tryne going that way; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the haill parochiners of the said parish of Logie and constables within the same, and the shireff of the shire and his deputs, that they and all of thame concurring togidder contribute thair best helpes, forderance and assistance towards the repairing of all the defects of the commoun hie way within that parish and making of the same passable for coaches and carts in dew tyme before his Majesteis comming frome Stirline to Dumfermeline under all highest pane, charge and offence that they by thair dissobedience may incurre, to witt, by censuring and punishing of thame not onelie in thair persouns bot in thair goods and geir with all rigour and extremitie to the terrour of others." Acta, June 1632-June 1634. Fol. 234, b.

Holyrood House, 13th June 1633.

Sederunt—Chancellor; Privy Seal; Erroll; Mairshell; Linlithgow; Perth; Roxburgh; Areskine; Naper; Melvill; Tracquair; Clerk Register; Master of Elphinstoun; Justice Clerk; Master of Requests; Sir Robert Douglas.

No coach with more than four horses to enter his Majesty's court.

"The Lords of Secreit Counsell ordains that no coache enter within his Majesteis court with moe then foure hors.

The gallows at the east end of the Links of Edinburgh to be taken down.

"The Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to caus take doun the gallowes and malefactor hanged thereon at the east end of the linkes.

Covering for the streets of Edinburgh.

"The Lords thinkes it meit that the magistrats of Edinburgh and the Erle of Roxburgh, as superiour of the Cannogait, be required to provide sand in abundance for covering thair streits, as lykewayes that they be remembered anent the extortioun of chamber maillis within thair bounds. Fol. 235, a.

The trumpeters to meet his Majesty on Leith Links.

"The Lords thinkes fitt that the trumpetters the day of his Majesteis entrie meit his Majestie and sound upon the linkes of Leith.

The gentlemen pensioners not to attend his Majesty on his entry.

"The Lords thinkes meit that the gentlemen pensioners sall forbeare to ryde or to attend his Majesteis person the tyme of his entrie and coronatioun."

Charge to Mr. John Hart to deliver to Adam, Bishop of Dumblane, two bibles and ten gilt books, intended for the use of his Majesty in the Chapel Royal.

"Forsamekle as the Kings Majestie having sent home to this kingdome with Edward Kellie, one of his Majesteis chappell for the tyme, twa bibles and ten gilt bookes unnoted for the use of his Majesteis chappell, the said Edward at his departing out of this kingdome left the saids bookes in the custodie and keeping of Mr Johne Melvill, his brother-in-law, who sensyne delyvered the same bookes to Mr Johne Hart, maister of the grammar schoole of the Cannogait, in whois keeping they now remaine; and whereas the King's Majestie is now at the good pleasure of God happilie arryved in this kingdome, and that there will be daylie use of the saids bookes in his Majesteis chappell, thairfoir the Lords of Secreit Counsell ordains a maisser to pas and charge the said Mr Johne Hart to delyver the bookes foresaids to Adame, Bishop of Dumblane, deane of his Majesteis chappell, or to suche in his name who sall have

Acta June 1632-June 1634. Fo. 235, a.

his power to receave the same, to be keeped be him as deane of the chappell for the use of the chappell, within sax houres nixt after the said Mr Johne beis charged thereto, as he will ansuer to his Majestie and the saids Lords upon his obedience, and under all highest pane, cryme and offence that he may committ aganis his Majestie in that behalfe."

Sederunta, November 1632-January 1633. Fo. 107, a.

"To remember to provide chalmer pots and other easments for the Churche at the Coronatioun." Conveniences for the Church at the coronation.

"That the whole bodie of the Counsell meit his Majestie the morne in his remove frome Seatoun to Dalkeith." The Council to meet his Majesty to-morrow.

"That there be twa voleyes, if possiblie the same can be done before his Majestie take hors for his entrie, and that there be another voley at his lighting at Halyrudhous." Two salutes to be fired on his Majesty's arrival.

"That the Erle of Roxburgh give order for sanding the Cannogait." The Canongate to be sanded.

"*Eodem die post meridiem, sederunt.*"

Chancellor; Privy Seal; Glasgow; Erroll; Mairshell; Linlithgow; Wigtoun; Perth; Roxburgh; Annerdaill; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Areskine; Melvill; Naper; Master of Elphinstoun; Secretary; Justice Clerk; Master of Requests.

"A warrand to Mr Johne Hart for delyvering to the Bishop of Dumblane suche musick bookes as he receaved from Edward Kellie." Mr. John Hart and certain music-books.

[No record of Sederunt.] Dalkeith, 14th June 1633.

Acta June 1632-June 1634. Fo. 236, b.

"The whilk day the King's Majestie, with advice of the Lords of his Secreit Counsell, hes thought meit and expedient, concluded and ordained that for his Majesteis more statelie and orderlie entrie within the burgh of Edinburgh the lords spirituall and temporall and others who by thair charge and place owes attendance at that actioun sall conveene and meit his Majestie upon the Long gait at one of the cloke in the afternoone where they sall be marishalled and ranked according to thair dignitie and place and sall ryde and accompanie his Majestie at his entrie within the said burgh and conduct him to his palace of Halyrudhous in the maner and order following; to witt, the Marques of Hamiltoun as maister of the horses sall ryde a little behind his Majestie leading ane hors of state; the Erle of Erroll by his Majesteis appointment sall receave frome the Lord Chamberlane ane skethed sword whiche the said erle sall carie immediatlie before his Majestie and sall ryde upon the Chamberlane his right hand; nixt unto thame, Lyoun King at Armes and suche of his brethrein as he sall make choise of; then the Isher before him; the Almoner and Master of Requeists, nixt to thame the Lords Chancellor The Lords spiritual and temporal to meet his Majesty at the Long Gate. The order of their precedence.

and Thesaurar; then the twa archbishops; nixt to thame the erles and vicounts; then the bishops and last the lords. And that the toun of Edinburgh sall have a standing guaird upon either side of the streit, whiche sall not budge nor remove fra the tyme of his Majesteis entering within the West Port till he pas furth of the liberteis of the said toun; and that the volly to be givin be the castell of Edinburgh sall begin and be fullie delyvered betuix the tyme of his Majesteis entering upon the Long gait and his coming to the place appointed for taking of his great hors whereupoun he is to make his entrie within the said toun." Acta, June 1632-June 1634. Fol. 236, b.

Holyrood House, 14th June 1633.

Sederunt—Chancellor; Privy Seal; Glasgow; Erroll; Linlithgow; Iles; Melvill; Naper; Secretary; Justice Clerk; Master of Requests; Clerk of Register; Sir James Baillie. Sederunts, November 1629-January 1635. Fol. 107, b.

[No record of business.]

Holyrood House, 15th June 1633.

Sederunt—Chancellor; Treasurer; Privy Seal; Duke of Lennox; Bishop of Glasgow; Mar; Wintoun; Roxburgh; Annerdaill; Viscount Stirline; Bishop of the Yles; Lord Areskine; Lord Tracquair. Acta, June 1632-June 1634. Fol. 235, a.

Richard, Earl of Portland, Lord High Treasurer of England, and other Englishmen admitted members of Council.

"The whilk day the Lords of Secreit Counsell by his Majesteis warrand and directioun receaved and admitted Richard, Erle of Portland, Lord High Thesaurar of England; Thomas, Erle of Arrundell and Surrey, Lord Mairshall of England; Phillip, Erle of Pemburgh and Montgomerie, Lord Chamberlane of his Majesteis houshold in England; Williame, Erle of Salisburie; James, Erle of Carlill; Henrie, Erle of Holland; Williame, Bishop of Londoun; Sir Harie Vaine, Comptroller of his Majesteis hous; and Sir Johne Cooke, principall Secretar to his Majestie for the kingdome of England; to be of the Privie Counsell of this kingdome and to bruike and injoy all honnours, digniteis, liberteis and priviledges proper and dew to that place; lykeas the saids noblemen and others foresaids being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto thame by preferring and promoving of thame to this place of dignitie and honnour they with all dew reverence on thair knees made and gave the oath of alledgeance and the oath of a privie counseller."[1] Fol. 235, b.

Holyrood House, 17th June 1633.

Sederunt:—Chancellor; Treasurer; Privy Seal; Duke of Lennox; Marquis of Hamilton; Erroll; Mairshell; Wintoun; Linlithgow; Perth; Wigtoun; Roxburgh; Lauderdaill; Viscount Stirline; Lord Lorne; Melvill; Naper; Justice Clerk.

[1] In reconstituting the Privy Council in March, 1631, Charles had nominated only one noble with an English title—James, Earl of Carlisle, originally Lord Hay of Tala, a Scot by birth. In Charles's original Privy Council four Englishmen had been members.

Acta, June 1632-June 1634 Fol. 235, b.

"The whilk day the Lords of Secreit Counsell, by his Majesteis warrand and directioun, receaved and admitted Theophilus, Erle of Suffolke, to be one of the Privie Counsell of this kingdome and to bruike and injoy all honnours, digniteis, liberteis and priviledges proper and dew to that place; lykeas the said Erle being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto him by preferring and promoving of him to that place of dignitie and honnour, he with all dew reverence on his knees made and gave the oath of alledgeance and of a privie counseller." The Earl of Suffolk admitted into the Council.

"The Lords of Secreit Counsell having at lenth heard the defences betuix Williame, Erle of Errol, Lord High Constable of this kingdome, on the ane part, and Williame, Erle Mairshell, on the other part, anent the liberteis, priviledges and extent of thair offices respective in guarding the parliament hous during the sitting of the parliament; and the saids Lords having lykewayes read, heard and considderit the acts of Privie Fol. 236, a. Counsell formerlie past in this mater, and having alsua consulted the Kings most excellent Majestie thereanent, and both the saids parteis being at lenth heard before his Majestie, and all that they or either of thame could propone and alledge anent the liberteis and priviledges of thair said office and extent thairof being considderit be his Majestie, and his Majestie, being therewith weill advised, the Kings Majestie, with advice of the Lords of his Privie Counsell finds, decernis and declares that the keeping of the keyes of the parliament hous and the having of ane guard without the hous for guarding of the same properlie belongs to the Lord Constable, and that he sall have onelie sax men within the hous for guarding and opening of the utter yett, and of thir sax men that three be on either side of the utter yett of the parliament hous, and that there be ane stoupe sett up upon the braid stanes of the parliament hous to be ane marche betuix the saids Constable and Mairshell and thair guards; and siclyke finds and declares that the guarding of the parliament hous within frome the stoupe foresaid to the bar belongs to the Mairshell; and decernis both the saids parteis to conforme thameselffes to this present act and ordinance so that no mater of contest fall out betuix thame and thair servants upon this occasioun heerafter." Decision of Council anent the dispute between the Constable and the Marshal touching the guarding of the Parliament House.

"The whilk day the Kings Majestie, with advice of the Lords of his Privie Counsell, ordains the toun of Edinburgh to have ane standing guarde on either side of thair streit the day of his Majesteis coronatioun, and ordains that nane of the said toun sall stirre nor remove under all highest pane; and his Majestie declares that the burgh of Edinburgh thair having of a moving guarde and compassing his Majestie therewith the day of his Majesteis entrie within the burgh sall not be a precedent nor militat in consequence in tyme comming in favours of the toun of Edinburgh except they can qualifie and instruct that they have beene in possessioun The town-guard of Edinburgh and the coronation.

of guarding of his Majesteis persoun with ane moving guarde in tyme bygane." Acta, June 1632-June 1634. Fol. 236, a.

John Gordon of Lochinvar made Viscount of Kenmure.

"The quhilk day the Lord Chanceller exhibite a patent under the great seale, bearing date at Theobalds, the 8 of May last, quhairby his Majestie wes pleased for the causes conteanit in the patent to prefer Johne Gordoun of Lochinvar to the dignitie of ane Vicount to be callit in tyme comming the Vicount of Kenmure, Lord Lochinvar, and delyvered the patent unto him; who, being personally present, receaved the same with all due reverence on his knees."[1] Sederunts, November 1629-January 1635. Fol. 107, b.

Holyrood House, 1st July 1633.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Lauderdaill; Tracquair; Clerk Register. Fol. 108, a.

The Viscount of Ayr made Earl of Dumfries.

"The quhilk day ane patent wes produced creating the Vicount of Air, Erle of Dumfreis, quho receaved the said patent frome the Lord Chanceller."[2]

Holyrood House, 11th July 1633.

Sederunt—Chancellor; Treasurer; St Andrewes; Privy Seal; Glasgow; Erroll; Mairshell; Linlithgow; Annerdaill; Lauderdaill; Tullibardin; Viscount of Belheavin; Lord Lorne; Lord Areskine; Naper; Seccetary; Clerk Register; Justice Clerk. Acta, June 1632-June 1634. Fol. 237, a.

The Lord High Chancellor to deliver their patents to persons who have been advanced in dignity.

"The Lords of Secreit Counsell gives and grants warrand and commissioun be thir presents to George, Erle of Kinnoull, Lord High Chanceller, to delyver unto the noblemen of this kingdome who ar advanced be his Majestie to honnours and degrees of dignitie thair patents in presence of the Clerk of Counsell."

Charge to William Drummond of Riccarton and Laurence Oliphant of Condie, betwen whom a feud has arisen, to appear before the Council.

"Forsamekle as it is understand to the Lords of Privie Counsell that there is some appearance of trouble like to fall out betuix Williame Drummound of Rickartoun, who hes the charge of the Laird of Keirs effaires during his absence furth of this kingdome, on the ane part, and Laurence Oliphant of Condie, on the other part, anent ane portioun of land questionable betuix thame, quhilk will not faile to produce forder inconvenients without remeid be provydit; thairfoir ordains letters to be direct charging both the saids parteis to compeir personallie before the saids Lords upon the 23 day of July instant to underly suche order as sall be tane with thame for observing his Majesteis peace and keeping good rule and quyetnes in the countrie, under the pane of rebellioun, etc., with certificatioun, etc."

[1] A curious story is told regarding Gordon. In right of his mother he claimed the Earldom of Gowrie, and by way of furthering his claim he sold his barony of Stitchell, and presented the proceeds to the Duke of Buckingham, whose good offices he thus sought to secure. The day following Buckingham fell by the hand of Felton.—Douglas, *Peerage of Scotland*, II., 27 Ed. 1813.

[2] William, seventh Lord Crichton of Sanquhar, had been created Viscount of Ayr in 1602.

Sederunts, November 1629-January 1635. Fol. 108, b.

In the Sederunt the Bishop of the Ilis is added.

"The quhilk day the Lord Chanceller produced ane patent makand and constitutand Sir David Lindsay of Balcarres, Lord Lindsay of Balcarres, quhilk the said lord receaved from the said Lord Chanceller with all dew reverence on his knees.[1] And siclyke the said Lord Chanceller produced another patent under the great seale makand the Lord Kinlos, Erle of Elgine,[2] quhilk wes delyvered to the Lord High Thesaurar of this kingdome in name of the said Erle. As alsua he produced ane thrid patent makand Sir Robert Dowglas, Vicount of Belheaven,[3] quhilk wes delyvered to the said Sir Robert, who being present, receaved the same with all dew reverence."

Sir David Lindsay of Balcarres made Lord Lindsay of Balcarres; Lord Kinloss made Earl of Elgin; and Sir Robert Douglas made Viscount of Belhaven.

In connection with the charges against the Laird of Rickartoun and Laurence Oliphant of Condie it is here added, "Of quhilk dyet the Laird of Rickartoun, being present, wes warned *apud acta*."

The Laird of Riccarton and Laurence Oliphant of Condie.

Acta, June 1632-June 1634. Fol. 237, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Lauderdaill; Annerdaill; Dumfreis; Secretary; Clerk of Register. Holyrood House, 12th July 1633.

"The whilk day the Lords of Secreit Counsell, by warrand and directioun frome the Kings Majestie, receaved and admitted Johne, Erle of Kingorne, to be one of the Privy Counsell of this kingdome and to bruike and injoy all honnours, digniteis, liberteis and priviledges proper and dew to that place, lykeas the said Erle of Kingorne, being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto him by preferring and advancing of him to this place of honnour and dignitie, he with all due reverence on his knees, his hand lying on the halie evangell, made and gave his solemne oath of alledgeance and the oath of a privie counseller."

Earl of Kinghorn admitted into the Council.

Fol. 237, b.

Sederunt—Chancellor; Privy Seal; Bishop of Glasgow; Erroll; Mairshell; Wintoun; Perth; Kingorne; Tullibardin; Roxburgh; Annerdaill; Dumfreis; Tracquair; Belheaven; Bishop of Dumblane; Bishop of the Yles; Lorne; Areskine; Melvill; Naper; Secretary; Clerk Register; Advocate; Justice Clerk. Holyrood House, 23rd July 1633.

"The whilk day Thomas Crombie of Kemnay, as shireff of Aberdein, Alexander McKeinzie of Culcowie, as shireff of Innernes, and Sir

Acceptance of sheriffships.

[1] Of the first Lord Balcarres it has been said that "he chose a private life, without ambition, "was learned, had the best collection of books "in his time, and was a laborious chymist."—Douglas, *Peerage of Scotland*, I., 167.

[2] Thomas, third Lord Bruce of Kinloss.

[3] Sir Robert Douglas of Spott had been page of honour and master of the horse to Henry, Prince of Wales. Subsequently he served as a gentleman of the bed-chamber to James VI. and Charles I. It is of Belhaven that Burnet tells the well-known story, illustrating the opposition of the Scottish nobility to the Act of Revocation.—Burnet, *Hist. of his own Time*, I., 20.

Williame Grahame of Claverhous, as shireff of Forfar, compeirand personallie before the Lords of Privie Counsell, accepted the office upon thame and gave thair oath for faithfull administratioun thairof." Acta, June 1632-June 1634. Fol. 237, b.

Mr. James Cockburn, provost of Haddington, continued in his office of sheriff-depute of the shire of Haddington.

"The whilk day Mr James Cockeburne, provest of Hadintoun, wes admitted shireff depute of Hadintoun and gave his oath according to his former gift grantit to him thairof during his lyfetyme:—Forsamekle as Mr James Cockeburne, shireff depute of the shirefdome of Hadintoun, hes exercised that office thir manie yeeres bygane, both for the good of his Majesteis service in that kynde and to the good lyking of all his Majesteis subjects whome it did concerne, and his Majestie considdering that in regarde of his long practise in that service and sufficiencie otherwayes, great prejudice would arise therein to his Majesteis service and to his Majesteis subjects if he wer removed; thairfoir his Majestie, with advice of the Lords of the Privie Counsell, hes made and constitute and be thir presents makes and constituts the said Mr James Cockeburne shireff depute of the said shirefdome of Hadintoun, and gives and committs unto him the office thairof with all fees, dewteis, escheits, unlawes and forefeyts belonging thereto siclyke and with als great freedome and auctoritie as the said Mr James or anie his predecessours in the said office hes or might have lawfullie done at anie tyme heeretofore; shireff courts within the tolbuith of Hadintoun and others accustomed places and seates within the said shirefdome to sett, begin, affixe, affirme, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerciaments and escheits of the saids courts to aske, lift and raise and for the same, if neid beis, to poynd and distreinzie, and to proceed and minister justice in all and sindrie actiouns and causes proper and competent to the said shireff depute, and to give decreits and sentences Fol. 238, a. thereupoun, and to caus the same decreits and sentences receave executioun accordinglie; breeves of our soverane lords chancellarie of whatsomever nature direct and to be direct to the said shireff depute to receave, opin and caus be proclamed, and accordinglie to be putt to executioun, assyses and witnesses als oft as neid beis, ilke persoun under the usuall and accustomed panes, to summound, warne, choose and caus be sworne, officers, serjants, dempsters and others members of court neidfull to make, create, substitute and ordaine, for whome the said shireff depute sall be haldin to ansuer; with power alsua to the said shireff depute to aske, crave, receave, intromett with and uplift his Majesteis blenche dewteis and entreisis of free tennents within the bounds of the said shirefdome and, if neid beis, to poynd and distreinzie thairfoir, and to make compt thairof in the Exchecker; and to receave the mustours and weapounshawings of the inhabitants within the said shirefdome at suche tymes as sall be appointed thereto be his Majesteis lawes and proclamatiouns, and to punishe the absents accordinglie; as alsua to raise and conveene the inhabitants within the said shirefdome at all tymes and occasiouns neidfull for the forderance and advancement of his Majesteis

Acta June 1632-June 1634. f. 238, a.

service and persute of his Majesteis rebellis, tratours and dissobedient persouns, and generallie all and sindrie others things to doe, exerce and use quhilks ar proper and competent to the office of a shireff depute and quhilks of law and consuetude of his realme ar knowne to perteane; firme and stable haldin and for to hald all and quhatsomever things sall be lawfullie done heerin; this commissioun for the space of ane yeere nixt after the dait heirof but revocatioun to indure."

Commission to Sir George Auchinleck of Balmanno to shear and stack the crops of the lands in dispute between the lairds of Riccarton and Condie.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is some variance and contraversie standing betuix William Drummound of Rickartoun, who hes the charge of the Laird of Keir his affaires during his absence furth of this kingdome, on the ane part, and Laurence Oliphant of Condie, on the other part, anent ane peace of land questioned betuix them and quhilk either of thame hes teilled and sawin f. 238, b. and intends to sheare and lead, quhilk is like to produce farther inconvenients to the breake of his Majesteis peace; quhairupoun both the saids parteis being callit before the Lords of Privie Counsell and all that they had to propone and alledge in this mater being heard and considderit be thame, the saids Lords for the better observing of his Majesteis peace betweene the saids parteis gives and grants full power and commissioun be thir presents to Sir George Afleck of Balmanno, one of the senators of the Colledge of Justice, as ane neutrall and indifferent persoun to caus sheare and stowcke the said cornes and to leade and stacke the same upon the expences of the selffe in some neutrall and indifferent place there to remaine and to be made furthcummand, after tryell and cognitioun to be tane who hes the best right thairto, to the person or persons having the right; discharging heirby both the saids parteis frome all medling or intrometting with the cornes or crop growing upon the said debateable peece ground, bot to suffer and permitt the said Lord Balmanno to caus shear, stowcke, leade and stacke the same in maner foresaid as they and everie ane of thame will ansuer upon the contrarie at thair perrell."

See *ante*, p. 118.

Caution by John Murray, sometime called Laird of M'Gregor, Patrick Murray, his brother, and Alaster Cameron of Glennevis for Angus Cameron and Alaster Stewart.

"The quhilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne Murrey, sometime callit Laird of McGregour, Patrik Murrey *alias* McGregour, his brother, and Alaster Camroun of Glenneveis, and become actit and obleist conjunctlie and severallie as cautioners and souerteis for Angus Camroun, tutour of Glenneveis, and Alaster Steuart *alias* McGregour, prisouners within the Tolbuith of Perth upon occasioun of ane slaughter committed in Lochaber, that they sall observe our soverane lords peace and keepe good rule and quyetnes in the countrie, and siclyke that they sall compeir personallie before the Lords of Privie Counsell whenever they sall be lawfullie charged to underly thair will and pleasure anent the said slaughter and peace of the countrie, either of thame under the pane of a thowsand merkes in caise he faillie in anie point of the premisses."

Commission to Lord Lorne to

"The Lords of Secreit Counsell gives and grants full power and com-

arbitrate between the laird and tutor of Glennevis and the Clan Lachlan.

mission be thir presents to Archibald, Lord Lorne, to deale and travell for ane agrement and removall of the feud betuix the Laird and tutour of Glenneveis and the Clanlachlane in Lochaber." Acta, June 1632-June 1634. Fol. 238, b.

Appointment of assessors for the trial of John Meldrum.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne Gordoun of Buckie and craved the Erle of Perth, the Lords Melvill and Naper, Sir Archibald Achesoun, Secretar, Sir Thomas Hendersoun of Chesters, Sir George Afleck of Balmanno, and Sir Johne Scot of Scottistarvet, or anie foure of thame to be assessours to the justice deputs in the tryell of Johne Meldrum; quhairupoun the saids Lords ordained the names of the saids assessours to be notified to the said Johne Meldrum to heare what he hes to object aganis thame." Fol. 239, a.

The Commissioners for the Surrenders.

"The Lords ordains the Commissioners for the Surrenders to attend upon Thurisday nixt quhairof publict intimatioun wes made at the Counselhous doore." Sederunts, November 1629-January 1635. Fol. 108, b.

Obligation by Alaster Cameron, tutor of Glennevis.

"The quhilk day Alaster Camroun, Tutour of Glenneveis, for himselfe and takand burdein upon him for all whome he may stoppe or latt, acted himselfe for keeping of the peace and for his compeirance before the Counsell when he sall be lawfullie charged, under the pane of ane thowsand punds." Fol. 109, a.

The Clans Lachlan and Glennevis.

"Charges aganis the Clanlachlane for keeping of the peace with these of Glenneveis under particular panes."

Mr. David Leitch.

"M[r] David Leitche his recommendatioun prorogat to the first of August, 1634."

Holyrood House, 25th July 1633.

Sederunt—Chancellor; Privy Seal; Glasgow; Mar; Wintoun; Perth; Kingorne; Tullibardin; Annerdaill; Dumfreis; Bishop of Dumblane; Bishop of the Yles; Tracquair; Melvill; Naper; Secretary; Clerk Register; Advocate; Master of Requests. Acta, June 1632-June 1634. Fol. 239, a.

Act anent letters of lawburrows in favour of the inhabitants of the Orkneys and Shetlands.

"Forsameekle as the inhabitants of Orkney and Zetland, having by thair commissioners petitiouned the King's Majestie and the estaits of this kingdome conveenned in the lait parliament haldin at Edinburgh in the moneth of Junij last anent the great oppressioun and trouble whilk they have underlyne and still underlyes by frequent letters of lawborrowes and arreistments used aganis thame be malicious persons, of whome sometymes one will raise letters aganis ane hundreth poore people, knowing thair povertie and inabilitie to come to Edinburgh, to find lawborrowes and find cautioun for lousing of arreistments, sue that manie of thame ar upon this occasioun reduced to great povertie and forced to quite thair possessiouns; and anent letters and precepts of poynding whereby the parteis having interesse ar obliged to bring the goods poynded to the mercat croces of Kirkwall and Skalloway and there to use the order of comprysing, quhilk oftymes is impossible to be done in respect the whole countrie consists of ylands, and the weather is so tempestuous and unseasonable as there is no passage betuix the saids ylands; and, thirdlie,

Ara, June 1633-June 1634. Fo. 239, b. anent acts of warding upon the shireffs decreits where the soumes ar small and the parteis not able to raise horning nor captioun thereupoun: Quhilks three articles being heard and considderit be his Majestie and the saids three Estaits, and they being carefull that the equitie, expediencie and conveniencie of the three articles abonewrittin sould be tryed, they remitted and recommended the same to the Lords of Privie Counsell and gave power and commissioun to thame to consider, advise and try the saids articles and everie ane of thame, and to decerne, statute and ordaine thereanent as they sould thinke expedient for the good and weale of the lieges. And his Majestie and his Estaits foresaid ordained the decreits, statuts, ordinances and determinatiouns to be made, givin and pronounced be the saids Lords of Privie Counsell anent the articles abonewrittin or anie of thame to have the strenth, force and effect of ane sentence and act of parliament, as the act and reference of the parliament made to the saids Lords of Privie Counsell more fullie reports. Quhilk reference being this day exhibite to the saids Lords of Privie Counsell and they having takin the same to thair consideratioun, and having at great lenth reasouned, conferred and deliberat thereanent and anent the conveniencie and expediencie of the saids articles, and preferring the weale of the subjects to all privat respects of parteis interesse, the saids Lords of Privie Counsell, according to the warrand and power grantit to thame be act of parliament, as said is, hes statut, ordained and concluded, and be the tennour of this present act statuts, ordains and concluds that in all tyme coming when anie letters of lawborrowes or arreistment sall be raised be anie persoun or persouns aganis anie of the inhabitants of Orkney and Zetland that the letters beare in expresse and cleere words the cautioun for the lawborrowes and for lousing of the arreistment to be found in the shireff court bookes of Orkney and Zetland and in no other place, books nor registers whatsomever; and ordains his Majesteis Secretar, who wes personallie present, to caus intimatioun to be made to the writters to the signet and keepers thairof that they write no letters of lawburrowes and arreistment aganis anie inhabitants of Orkney and Zetland bot after the tennour, forme and substance abonewrittin and no other wayes, as they will answer upon the contrare at thair perrell. And siclyke the saids Lords statuts and ordains Fo. 240, a. that in all poyndings to be heerafter made within the bounds of Orkney and Zetland, the goods being apprysed and offered upon the ground to the partie and the nixt Sabboth day at the parish kirk doore in lawfull tyme of day, that the comprysing and offer sua to be made sall be als lawfull as if the comprysings and offers were made at the heid burgh of the shire. And forder the saids Lords statuts and ordains that in small soumes not exceeding ane hundreth punds that the acts of wairding upon the decreits of the shireff of Orkney and Zetland sall be direct conforme to the order used within burgh becaus suche small soumes may not beare the ordinar charges for horning and captioun."

Appointment of a new Commission for the Surrenders and Teinds.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie the persouns underwrittin; they ar to say, George, Erle of Kinnoull, Lord High Chanceller of this kingdome; Thomas, Erle of Hadintoun, Lord Privie Seale; Patrik, Archbishop of Glasgow; George, Erle of Wintoun; Johne, Erle of Perth; Johne, Earl of Kingorne; Williame, Erle of Dumfreis; Johne, Erle of Tracquair; Johne, Erle of Wemes; Archibald, Lord Naper; George, Lord Corstorphine; Johne, Bishop of Ros; Adame, Bishop of Dumblane; Androw, Bishop of Argile; George, Bishop of Orkney; Sir Johne Hay, Clerk Register; Sir Thomas Hope, Advocat; Sir James Galloway, Master of Requeists; Sir Robert Spotswod of Newabbey, Sir John Charters of Amisfeild, Sir Williame Douglas of Cavers; Johne McNacht, Archibald Tod, and Edward Edger, burgesses of Edinburgh; Mr Alexander Guthre, town clerk there, and accepted upon thame the new Commissioun for the Surrenders and Teinds and gave thair oath for faithfull discharge thairof. And the said Lords ordains missives to be direct to the rest who wer absent, they ar to say, Williame, Erle of Mortoun, Lord High Thesaurar; Johne, Archbishop of St. Andrewes; Williame, Erle Mairshell; Williame, Erle of Stirline; David, Erle of Southesk; Alexander, Bishop of Dunkelden; Johne, Bishop of Murrey; David, Bishop of Brechin; Sir George Elphinstoun, Justice Clerk; Sir James Lokhart younger of Lee, Sir Robert Greir of Lag, Johne Boill of Kelburne, Sir Patrik Ogilvie of Inchemartine, Sir David Crichtoun of Lugtoun, Johne Sinclar, baillie of Edinburgh; Gabriel Cuninghame, burges of Glasgow; Robert Tailyeour, burges of St. Andrewes; William Meklejohne, burges of Bruntilland; and Mr Robert Cuninghame, burges of Kingorne; to compeir before the Counsell upon the xxv day of September nixt to accept the said commissioun upon thame and give thair oath." Acta, June 1632-June 1634. Fol. 240, a. Fol. 240, b

Commissioners appointed to attend the first meeting of the Commission for the Surrenders and Teinds on the 1st of November.

"The Lords of Secreit Counsell appoints the first quarter and sessioun for the commissioners of the Surrenders and Teinds to begin upon the first day of November nixt and to end upon the xxiiij day of December thereafter and the secund quarter to continew fra the tent of Januar till the rysing of the sessioun and the thrid to continew and sitt the moneths of Junij and July; lykeas the saids Lords hes nominat and appointed the persouns underwrittin to attend for the first sessioun; to witt, the twa archbishops, the bishops of Dunkelden and Dumblane, the Erles of Perth and Dumfreis, the Lords Naper and Corstorphine, the lairds of Amisfeild, Cavers, and Kelburne, with anie one of the Lords of Sessioun, Mr Robert Cuninghame, burges of Kingorne, and twa for the burgh of Edinburgh; and before the dissolving of this first sessioun the Lords will appoint commissioners to attend the secund sessioun."

Protests by the Master of Requests and the King's Advocate anent questions of precedence.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Sir James Galloway, Maister of Requeists, and protested that his ranking and the ordering of him in the new Commissioun for the Tithes after the Advocat and Justice Clerk sall not be prejudiciall to him anent his place and precedence dew to him in the right of his office; lykeas

1 June 1632-June 1634. Fo. 240, b.

Sir Thomas Hope of Craighall, knight barounet, his Majesteis Advocat, protested in the contrare in respect of the precedence dew to his place as ane officer of estait be the space of twa hundreth yeeres before the Maister of Requeists wes ane officer of estait and of the tennour of the commissioun and sederunt of the last parliament directed be his Majestie, himselfe being personallie present."

Acceptance of sheriffship of Selkirk by James Pringle of Whitebank.

"The whilk day James Pringill of Quhytbanke, shireff principall of Selkirk, compeirand personallie before the Lords of Privie Counsell, accepted the said shireffship upon him and gave his oath for faithfull discharge thairof."

Sederunts, November 1629-January 1635. Fol. 109, b.

The bishops of Orkney and Argyle and the Commission for Surrenders and Teinds.

"Assignes to the Bishops of Orkney and Argyle the first commissioun day in Junij nixt for thair attendance upon the Commissioun for Tithes."

Alexander Forbes of Pitsligo made Lord Forbes of Pitsligo.

"The quhilk day the Lord Chanceller produced ane patent under the great seale, bearing dait at Halyrudhous the 24 of Junij last, makand Alexander Forbes of Pitsligo, Lord Forbes of Pitsligo; quhilk patent wes delyvered to Johne Forbes, sonne to Alexander Forbes of Boyndie."

Acts, June 1632-June 1634. Fol. 241, a.

Holyrood House, 30th July 1633.

Sederunt—Chancellor; Privy Seal; Glasgow; Mairshell; Wintoun: Perth; Annerdaill; Dumfreis; Tracquair; Bishop of Dumblane; Melvill; Naper; Secretary; Clerk Register; Advocate.

The Council recommends Mr. David Leitch, minister at Dundrennan, whose house was burned in 1629, to the charity of the lieges. See Index to Vol. III., (Second Series.)

"Forsameekle as it is understand to the Lords of Secreit Counsell that upon the fourt day of July, 1629, about twelffe of the clocke at night there wes a suddane and fearefull fire raised upon the foure corners of Mr David Leitche, minister at Dundrennan, his hous, and the fire upon a suddane become so fearefull as the said Mr David his wife, young childrein and familie, who wer all sleeping in thair beds, with verie great difficultie escaped in thair sarkes, and on a suddane the hous and all that wes within it wes burnt in ashes, to the utter wracke and undoing of the said Mr David, who is ane learned and famous man in his calling and of good report among his brethrein, and who formerlie had sufficient meanes of his awne and wes verie charitable in releeving the necessiteis of others. And in the discoverie of this treasonable fact, whairof thair is manie pregnant presumptiouns that it wes not accidentall bot done be the hand of man, the said Mr David hes beene verie solist and diligent thir diverse yeeres bygane and in the prosecutioun of that discoverie hes bestowed all that he could procure by his credite, whereanent the said Mr David, having petitiouned the Kings Majestie at his late being in this kingdome, his Majestie wes graciouslie pleased to recommend the said Mr David to the saids Lords of Privie Counsell that by thair generall recommendatioun to the whole kingdome the said Mr David his distresses and losses might be suppleed; and thairfoir the saids Lords hes recommendit, and be the tennour heirof recommends the said Mr David to the favourable and charitable consideratioun of all and sindrie archbishops

and bishops, noblemen, barons and gentlemen, provests and bailleis within burgh, presbytereis and sessiouns of kirks and others his Majesteis subjects, als weill to burgh as land, requeisting thame and everie ane of thame to extend suche proportioun of thair benevolence and charitie for the releeffe of his distressed estait as they sall thinke fitting, and to delyver the same to whome the saids Lords hes intrusted with the collectioun of the said contributioun to the behove of the said Mr David within the presbyterie of , and that everie ane of the saids archbishops and bishops give order and directioun to the ministers within thair severall dioceis to caus intimat and read this recommendatioun at thair parish kirks to thair parochiners upon a Sunday before noone in tyme of sermoun and prayers, and to stirre up the people to extend thair benevolence and charitie to the said Mr David. This recommendation till the first day of August j^m v^c threttie foure yeeres to indure." Acta, June 1632-June 1634. Fol. 241, a. Fol. 241, b.

Warrant to John Grahame to be keeper of his Majesty's camel, and to exhibit it to the lieges—Sundays excepted.

"Forsameekle as one of his Majesteis camels being committed to the custodie and keeping of umquhill Robert Grahame, now deceassed, the same camele by ane reference upon a petitioun presented to his Majestie by Edward Grahame, brother to the said Robert, wes appointed and committed to the custodie of the said Edward, who by ane assignatioun subscryved with his hand and under his seale of the dait the ellevint day of May, 1633, hes made and constitute Johne Grahame, gentleman of his Majesteis Guarde, his deputie to take into his custodie the keeping of the foresaid camele wheresoever and in whois custodie the same can or may be found, as in the assignatioun made to him for this effect at lenth is conteanit. According whereunto the said Johne Grahame hes now gottin fra David Johnestoun, sometyme servitor to Richard Grahame, the camele foresaid and hes the same in his keeping; and thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants thair warrand to the said Johne Grahame and suche as he sall nominat and appoint to carie the said camele throughout this kingdome and to show the same to the people in suche forme as they sall thinke fitt by towcke of drum or sound of trumpet frome tyme to tyme without trouble or latt to be made unto thame, they behaving thameselffes modestlie and honestlie according to the lawes of this kingdome and forbearing to make show of the said camele upon the Sabboth day or in the tyme of divine service; this warrand for the space of halfe a yeere after the dait heerof to indure."

Next meeting of Council.

"The nixt Counsell day in the vacance appointed to be upon the 25 of September nixt at the palace of Halyrudhous." Sederunts, November 1629-January 1635.

Patents to the Earl of Queensberry and Lord Fraser.

"The quhilk day the Lord Chanceller produced and delyvered the Erle of Quenisberreis patent to George Deanes, his servitour; and the Lord Frasers patent to Johne Baird, writter to the signet.' Fol. 110, a.

Captain Colens' protection continued.

"The Lords prorogats Captane Colens protectioun till Mertimes nixt."

[illegible] June
[illegible] June
1633.
Fo. 242, a.

Sederunt:—Chancellor; Privy Seal; Glasgow; Mar; Wintoun; Roxburgh; Annerdaill; Dumfreis; Bishop of Dumblane; Naper; Secretary; Clerk Register; Advocate[1]. Holyrood House, 31st July 1633.

Alexander Dumbar of Grange appointed sheriff of Moray.

"Forsameekle as the commissioun of shireffship grantit to James Dumbar of Boigis within the bounds of Elgine and Forres is expired upon the first day of August approacheing, and the Lords of Secreit Counsell understanding the good and worthie dispositioun of Alexander Dumbar of Grange toward the forderance and advance of his Majesteis service and that he will behave himselfe with that respect whilk becomes ane shireff within the bounds foresaids, thairfoir the saids Lords hes made and constitute and be the tennour heirof makes and constituts the said Alexander Dumbar of Grange shireff principall within the saids bounds of Elgine and Forres, and gives and grants unto him the office thairof with all fees, dewteis, escheits, unlawes and forefeyts belonging thereto, siclyke and with als great fredome and auctoritie as anie of his predecessours in the said office hes or might have lawfullie done at anie tyme heirtofore, shireff courts within the burrowes of Elgine and Forres and others accustomed places and seates within the said shireffdome to sett, begin, affixe, affirme, hold and continew; sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynd and distreinyie, and to proceid and minister justice in all and sindrie actiouns and causes criminall and civill proper and competent to the said shireff, and to give decreits and sentences thereupoun, and to caus the same decreits and sentences receave executioun accordinglie; breeves of our soverane lords chancellarie of whatsomever nature direct and to be direct to the said shireff to receave, opin and caus be proclaimed, and accordinglie to be putt to executioun; assyses and witnesses als oft as neid beis, ilk ane of thame under the usuall and accustomed panes, to summound, warne, choose and
Fo. 242, b. caus be sworne; deputs under him in the said office with officiaris, serjants, dempsters and others members of court neidfull to make, create, substitute and ordaine, for whome the said shireff sall be haldin to ansuer; with power alsua to the said shireff to aske, crave, receave, intromett with and uplift his Majesteis blenshe dewteis, castell wairds and others entreises of free tennents within the bounds of the said shirefdome, and if neid beis to poynd and distreinyie thairfoir, and compt thairof in his Majesteis exchecker to make; and to receave the mustours and weapounshawings of the inhabitants within the said shirefdome at suche tymes and places as sall be appointed be his Majesteis lawes and proclamatiouns, and to unlaw and punishe the absents accordinglie; and to raise and conveene the inhabitants within the said shirefdome at all tymes and occasiouns neidfull for the forder-

[1] This is given in the Sederunts as a *post meridiem* meeting.

ance and advancement of his Majesteis service and persute of his Majesteis rebells, tratours and dissobedient persouns; and generallie all and sindrie others things to doe, exerce and use quhilks ar proper and competent to the office of a shireff, and quhilks of law and consuetude of this realme ar knowne to perteane: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin: And ordaines letters to be direct charging officers of armes to pas to the mercat croces of Elgine and Forres and others places neidfull, quhairthrow nane pretend ignorance of the same, and to command and charge all and sindrie his Majesteis lieges and subjects to reverence, acknowledge and obey, rise, concurre, fortifie and assist the said shireff and his deputs in all and everie thing tending to the executioun of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, as they and everie ane of thame will answere upon the contrare at thair highest charge and perrell. This commissioun for the space of ane yeere nixt after the dait heirof but revocatioun to indure." Acta June 1632-June 1634. Fol. 242, b.

Allowance to be paid to John Toshe, prisoner in the Tolbooth, by Mr. James Farquharson, writer to the signet. Edinburgh, 31st July 1633.

"The whilk day Mr James Ferquharsoun, writter to his Majesteis signet, compeirand personallie before the Lords of Privie Counsell undertooke to make payment to John Toshoche, prisouner in the tolbuith of Edinburgh, of his allowance untill the first day of August approacheing."

Sederunt—Privy Seal; Annerdaill; Bishop of Dumblane; Melvill; Naper; Clerk Register; Secretary; Advocate. Sederunts, November 1629-January 1635. Fol. 110, a.

[No record of business.]

Post meridiem.

Sederunt—Chancellor; Privy Seal; Glasgow; Mar; Wintoun; Roxburgh; Annerdaill; Dumfries; Bishop of Dumblane; Naper; Secretary; Clerk Register; Advocate.

Patent to Lord Almond.

"The quhilk day the Lord Chanceller produced and delyvered the Lord Almonds patent to Mr Alexander Johnestoun in name of the said Lord."

Edinburgh, 10th August 1633.

Sederunt—Erroll; Mar; Wintoun; Perth; Roxburgh; Dumfreis; Tracquair; Bishop of Dumblane; Bishop of the Yles; Areskine; Naper; Secretary; Clerk Register; Advocate. Acta, June 1632-June 1634. Fol. 243, a

John Meldrum sentenced to be hanged and quartered for being art and part in the burning of Frendraught.

"The Lords of Secreit Counsell having heard and considderit the desire of the justice deputs tuicheing the Counsellis advice to be givin unto thame anent the doome and sentence to be pronunced aganis Johne Meldrum of Ridhill, who is convict and found guiltie of airt and part of the burning of the towre of Fendraucht and foreknowledge of the same, and having lykewayes seene and considderit the power grantit to thame by the commissioun of Counsell for assisting the Justice by thair advice and counsell in maters of difficultie, the saids Lords advises the Justice

[illegible] June 1633-June 1634. Fol. 243. a.

deputs presentlie to proceed to the sentencing of the said [illegible]ohne Meldrum and to pronunce doome aganis him, ordaining him to be hanged to the death at the mercat croce of Edinburgh and thereafter his head to be cutt aff and suche others his members as the justice deputs sall thinke fitt, and to caus affixe and putt up the same in suche publict places of the kingdome as they sall thinke expedient and to continew the execution of the said doome and sentence untill Tuisday in the afternoone."

Commissioners appointed to try to draw from John Meldrum a confession anent the burning of Frendraught.

"The Lords of Secreit Counsell nominats and appoints and therewithall ordains and commands the Bishops of Dumblane and Rosse, Mr Harie Rollock, Mr David Mitchell and Mr Thomas Sydserfe to resort and repaire to Johne Meldrum, prisouner in the tolbuith of Edinburgh, and to enter in conference with him and to use thair best travellis and endeavoures for bringing of the said Johne to a confessioun of the truthe of that foule cryme whereof he is convict, and discharges the jaylour of the tolbuith, his servants, and all others quhatsomever to be present at the said conference, requiring the said Bishop of Dumblane to take the faithfull promise of the rest of his brethrein not to reveale what the said Johne sall delyver unto thame."

Fol. 243, b.

The execution of John Meldrum to be postponed in the hope that he will make a confession anent the burning of Frendraught.

"The whilk day the Lords of Secreit Counsell, considering that Johne Meldrum of Ridhill being convict of airt and part of the burning of the towre of Fendraucht, for the whiche sentence and doome of death is pronunced aganis him, may notwithstanding of his present obstinacie and denyall of his guiltines of that cryme by the travellis of the ministers be brought to the acknowledgement of the truthe, in whiche caise or if otherwayes he sall make it appeare that others hes beene actors in the deid, and sall accordinglie reveale and detect thame, the Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to continew the executioun of the said sentence of death untill they receave new order concerning the same and that upon a warrand to be direct unto thame subscryved by anie one counseller, to whome the Lords gives power to subscryve the said warrand of continuation, the same being always craved be the ladeis and others parteis interessed."

Holyrood House, 25th September 1633.

Sederunt—Privy Seal; Wintoun; Perth; Wigtoun; Galloway; Annerdaill; Lauderdaill; Southesk; Melvill; Naper; Advocate; Sir James Baillie.

Order anent the suppression of acts of theft and violence which have of late become frequent in the Highlands.

"Forsameekle as the disordoured and brokin clannes in the Hielands being by force of auctoritie and carefull executioun of the lawes reduced to obedience and the peaceable and good subjects in the incountrie sattled in a full suretie of thair persons and goods, thir disordered lymmars being now wearied of this long and happie peace and resooming thair formar unhappie course of lyfe upon hope of impunitie they have begun to breake louse and not onelie to make privie stouthes bot opin heirships and others insolenceis upon his Majesteis good subjects, to the great

disgrace of his Majesteis governement; for repressing and preventing of the forder grouth of whois disorders ther is be his Majesteis speciall command and directioun a meeting of the speciall noblemen, barons and gentlemen in the countries nixt adjacent to the Hielands appointed to be heere at Halyrudhous upon the day of November now approacheing with his Majesteis Counsell upon some substantious and solide course how thir brokin lymmars may be totally and fullie supprest and the countrie fred frome forder trouble of thame. And to the intent that in this meane tyme and till the generall course be substantiouslie sattled and concluded the subjects may in some measure repose in suretie under his Majesteis protectioun, the Kings Majestie, with advice of the Lords of his Secreit Counsell, hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to suche of the Lords of his Privy Counsell as sall be present in the countrie foresaid for the tyme and all shireffs, stewarts and others under officers and to all others his Majesteis good subjects to pas, searche, seeke and take all criminall rebellis in the Hielands and others disorderlie persons, sorners and oppressours who darre presoome to committ anie disorder upon anie of his Majesteis good subjects, wherever they may be apprehended, and to bring and present thame to his Majesteis Justice to underly thair deserved punishement. And if anie of the saids disordered persons sall fall or come in the hands of anie of his Majesteis Counsell or in the hands and power of anie of the shireffs and stewarts, with power to thame to proceed and minister justice upon thame conforme to the laws of this kingdome; for quhilk purpose his Majestie with advice forsaid hes made and constitute and be the tennour heirof makes and constituts the saids Lords of his Majesteis Privy Counsell, shireffs and stewarts, in whois hands the saids disordered lymmars or anie of thame sall fall, our souerane lords justices in that part, with power to thame or suche of thame, as said is, justice courts at whatsomever places convenient to sett, begin, affixe, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynd and distreinyie, and in the same courts the saids disordered persons to call, be dittay to accuse and thame to the knowledge of ane assise to putt, and as they sall happin to be found culpable or innocent to caus justice be ministrat upon thame conforme to the lawes of this realme, assyss neidfull for this effect, ilke person under the pane of fourtie punds, to summound, warne, choose and caus be sworne, clerkes, serjants, dempsters and others officers and members of court neidfull to make, creat, substitute and ordaine, for whome they sall be haldin to answere: and if it sall happin the saids disordered persons or anie of thame for eshewing of apprehensioun to flee to strenths and houses, with power to the saids commissioners and justices or any of thame to follow and persew thame and to make opin doores and use his Majesteis keyes; and all others things necessar and lawfull to doe and

Acta, June 1632-June 1634. Fol. 243, b. Fol. 244, a. Fol. 244, b.

Acts, June 1632-June 1634. Fo. 244, b.

use quhilks in suche caises ar usuall and accustumed; and that letters be direct to make publicatioun heirof be opin proclamatioun at all places neidfull, and to command and charge all his Majesteis lieges and subjects that they and everie ane of thame upon knowledge and notice to be givin to thame of the disorders of thir lymmars, rise, concurre, fortifie and assist the saids justices and commissioners, conjunctlie and severallie, in all things tending to the executioun of this commissioun, as they and everie ane of thame will answere upon the contrare at thair highest perrell."

Letter from his Majesty anent the same.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presentit to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellers, and trustie and weilbelovit, we greit yow weill. Whereas we wer humbelie petitiouned at our being there by a nomber of the nobilitie and gentrie of that our kingdome that some course might be takin for repressing the insolenceis and thifts of certane disorderlie persons in diverse parts thairof, we intended than to have heard the mater debated before ws in Counsell there that by your advices some good course concerning it might have been established, yitt in regarde of the shortnesse of our stay and multiplicitie of our effaires it tooke not than effect. Bot considering how muche in justice it doeth concerne ws to represse all oppressioun and in honnour to mainteane the peace and rights of our

Fo. 245, a.

good subjects and with all that the speedines of the remedie may prevent the effects whiche by delay may prove otherwayes more prejudiciall to the petitioners and disgracefull to the governement there, we have thought good to send yow heerewith the inclosed petitioun, and it is our speciall pleasure that, having considderit thairof and callit for suche of the petitioners as yow sall thinke expedient for receaving thair more ample informatioun in the particulars, yow take suche present order as they may be fred of all just feares in tyme coming, the offenders be severelie punished for what is past by all possible meanes, and the peace of the countrie established; wherein expecting ane exact accompt of your speedie endeavoures, as yow will be answerable unto ws, we bid yow farewell. Frome our Court at Greenewich, the last of July, 1633. Quhilk missive being heard and considderit be the saids Lords, and they advised therewith, they ordaine letters to be direct to the noblemen and gentlemen who hes subscryved the petitioun mentioned in his Majesteis letter to be heere at Halyrudhous upon the day of November nixt to give thair advice to the Counsell anent the most effectuall meanes for repressing the disorders in the Hielands.

Letter of Council to the noblemen who

"Followes the tennour of the missive writtin to the noblemen:—After our verie heartilie commendatiouns to your good lordship. Upon

had petitioned his Majesty regarding the renewed lawlessness in the Highlands, summoning them to meet the Council on an appointed day.

informatioun made to the Kings Majestie that some of the disordered clans and lawlesse lymmars in the Hielands were begining to renew thair former accustomed theevish trade of thift, sorning and oppressing his Majesteis good subjects in the incountrie, his Majestie hes beene pleased to recomend upto his Counsell the tymous and speedie redresse and curbing of thir disorders and preventing of the forder grouth of thame be the advice of the noblemen, barons and speciall gentlemen in the bounds nixt adjacent; lykeas in the obedience of his Majesteis royall directioun there is a meiting appointed to be heir at Halyrudhous for that effect upon the day of November nixtocome; at the quhilk meeting seing your lordships presence and good advice is requisite, these ar thairfoir to requeist your good lordship to keepe the same preceislie. Quhilk looking assuredlie your lordship will doe, we committ your lordship to God. Frome Halyrudhous, the xxvj day of September, 1633." Acta June 1632-June 1634. Fol. 245, a.

Acceptance of sheriffships.

"The whilk day Sir David Crichtoun of Lugtoun, as Shireff of Edinburgh, Sir Samuel Johnestoun of Elphinstoun, as Shireff of Hadintoun, James Cockeburne of Rysla, as Shireff of Berwick, Dundas younger of that Ilke, as Shireff of Linlithgow, Sir Robert Greir of Lag, as Shireff of Dumfreis, Sir Andro Rollock of Duncrub, as Shireff of Perth, Sir Williame Baillie of Lamingtoun, as Shireff of Lanerk, and Robert Maxuell of Dinwiddie, as Stewart of Annerdaill, compeirand personallie before the Lords of Privie Counsell accepted the office of shireffship within the bounds respective abonewrittin upon thame and gave thair oath for faithfull discharge of the same." Fol. 245, b.

Appointment of commission to receive the oaths of certain newly-appointed sheriffs.

"The Lords of Secreit Counsell considdering the necessar absence of Sir William Cuningham of Caprintoun, who is now nominat to be Shireff of Air, Walter McAwlay of Ardincaple, who is nominat to be Shireff of Dumbartane, Alexander Dumbar of Grange, who is nominat to be Shireff of Murrey, and Mathow Wallace of Auchans, who is nominat to be Baillie of Kylesteuart, for the yeere to come, and that they could not convenientlie compeir before the saids Lords this present day to accept the office upon thame and give thair oath, thairfoir the saids Lords hes givin and grantit, and be the tennour heirof gives and grants full power to Patrik, Archbishop of Glasgow, to take the oaths of the said Sir Williame Cuninghame and Mathow Wallace, and to the said Archbishop or Archibald, Lord Lorne, to take the oath of the said laird of Ardincaple, and to James, Erle of Murrey, and Johne, Bishop of Murrey, or either of thame, to take the saids Laird† of Grange thair oaths for the faithfull discharge of the office of shirefship within the bounds respective foresaids, and to make ane formall report thairof in writt to the saids Lords to the effect the same may be insert and registrat in the Bookes of Privie Counsell; whereanent the extract of this act sall be to thame ane warrand."

† "Laird" is scored through and "Shireffs" written above.

Acta. June 1632-June 1634. Fol. 245, b.

"The whilk day David, Bishop of Brechin, Sir Patrik Ogilvie of Inchemartine, Sir David Crichtoun of Lugtoun, Johne Boill of Kelburne, and Williame Meklejohne, burges of Bruntlland, compeired personallie before the Lords of Privie Counsell and accepted the commission for the Surrenders and Teinds upon thame, and gave thair oath for thair faithfull discharge of the same."

David, Bishop of Brechin, and others accept the commissioner-ship for the Surrenders.

Fol. 246, a.

"Forsamekle as there is no allowance nor fees modified and sett doun for the service of the clerkes of Privie Counsell to be payed unto thame be suche gentlemen and others who are promoted to the dignitie of knights at the creatioun of noblemen; and the Lords of Privie Counsell understanding that others his Majesteis officers and servants have thair fees modified and accordinglie payed unto thame be the saids knights; and the saids Lords considering the actuall service that the saids clerkes of Privie Counsell doe performe at the making of the saids knights and in forming and wrytting the acts of thair creatioun and registrating of the same; thairfoir the saids Lords hes modified and sett doun and accordinglie decernis and ordains all suche knights as wer made at the creatioun of noblemen the tyme of his Majesteis late being in this kingdome or sall heerafter be made at the creatioun of anie noblemen to make payment to the saids clerkes of Privie Counsell of the soume of fourtie punds as for the fees and allowance now modified and sett doun to be payed be everie ane of the saids knights to the saids clerkes for thair service the tyme foresaid; and ordains letters to be direct heirupon if neid beis in forme as effeiris."

Knights created during his Majesty's visit to pay £40 to the clerks of the Council.

"The whilk day in presence of the Lords of Secreit Counsell compeired personally Mr Alexander Guthre, toun clerk of Edinburgh, and gave in the report underwrittin anent the surveying of the water of Forth, of the quhilk the tennour followes:—The 3 and 4 of September, 1633, the water of Forth being surveyed be James Stevinsone in Pittinweme and Androw Law in Anstruther and Alexander Ezat in Culros; to witt, the tryell of dangers and shalnesse of the water the last day and the first day of the streame and tenth and ellevint dayes of the moone being the deadest tyme of the streame at low water; to witt, at the Powmouth of Alloway right over and over whill yee come to the Insche of Alloway is nyne foot or thereby and halfe ane cabill lenth of breadth neerest to the north side; and the south side of the channel will be about foure foote; and at the Powis entrie there is chingill ballast ane

Fol. 246, b.

penney stone cast and more lying there, and as for the ballast that is cassin wee see the parts where it hes been cassin bot sees none of it be reasoun the tyde careis it all into the river; there wes fyve Fleemings there, bot saw no part where thair ballast wes lying. And betuix the Insche and Elphinston crooves there is bot foure foots deepe at low water and fyve foot deepe of water on the north side at low water; and a little beneath Elphinston crooves at ane houres floode sevin foots water and twa part to Johne Yairs nuike there is aucht foots, nyne foots, ten

Report by Mr. Alexander Guthrie, town-clerk of Edinburgh, anent the Firth of Forth in connection with the deposit of ships' ballast.

foots, ellevin foot, twelffe foot whill yee come to the nuike. From Johne Yairs nuike to Hegenis nuike at twa houres flood in the channell there is nyne foots deepe and so narrow that there is no turning be reasoun there is ane banke of sand meekle of ane myle of lenth that is seene all up at laich water in ane streame tyde; and be our judgement it is the ballast casting in the river that hes the wyte of it. As for exemple we coming doun at this tyme of the flood we fand ane Fleeming sticking fast upon the banke, and had beene casting her ballast at that same place, whois name of the skipper is Caismais of Roterdame. Acta, June 1632-June 1634. Fol. 246, b.

"And at Airth Powmouth there hes beene ballast cassin at the syde of the Pow, bot it is all washin away. Frome Heigins nuike to Kingorne at halfe flood there will be three faddom and a halfe and foure faddome. Frome Kingorne at full sea there is sax faddom ay whill yee come fornent the Inche Panis that wes of old and foure faddom and a halfe to the new pans and three faddom and a halfe at ane hours falling water; and frome the Woodnes to Blacknes all doun the channel at halfe eb there will be sax faddom sevin faddom aucht nyne ten and ellevin faddom; and as for the ballast on the shoare we see no new ballast castin bot that hes beene castin of old tyme. *Sic subscribitur*, James Stevinsoun, Androw Law, Alexander Ezat."

The disorder in the Highlands.

The meeting about the disorders in the Highlands is here stated to be on "the first Counsell day after the 20 of November." Sederunts, November 1629-January 1635. Fol. 110, b.

Protection to William Bannatyne of Corhous.

"A letter frome his Majestie for a protectioun to be givin to Williame Bannatyne of Corhous, quhilk the Lords grants untill the 26 of November nixt that in the meane tyme he may warne his creditours to compeir and heare the said protectioun signed be his Majestie past and exped."

A Scotch ship seized by the Low Countries.

"A letter to his Majestie concerning a Scotish ship takin be the Estats, and another to the Secretar to be shawin to the Lords there." Fol. 111, a.

Holyrood House, 26th September 1633.

Sederunt—Privy Seal; Wintoun; Perth; Annerdaill; Galloway; Lauderdaill; Southesk; Melvill; Naper; Advocate; Sir James Baillie." Acta June 1632-June 1634. Fol. 246, b.

Warrant to the sheriff of Peebles to shear and stack the crops of certain lands in dispute between Mr. Robert Burnet of Cringeltie and the provost and bailies of Peebles.

"Forsameekle as Mr Robert Burnet of Cringiltie, on the ane part, and the provest and bailleis of Peebles, on the other part, pretending right and title either of thame to a part of the lands of Hameldonhill lying within the shirefdom of Peebles they have both sawin the saids lands this present yeere, and for mainteaning of thair pretendit possessioun they both intend with the concurrence of thair freinds and suche as will doe for thame to sheare and leade the cornes growing upon the saids lands, whereupon great inconveniences ar like to fall out to the breaking of his Majesteis peace and disquyetting of the countrie without remeid be provydit; thairfoir the Lords of Secreit Counsell hes nominat and appointed and be the tennour heirof nominats and appoints the Shireff of Peebles and his deputs, or anie of thame, as neutrall and indifferent Fol. 247, a.

Acta, June 1633–June 1634. f. 247, a.

persons to caus sheare the cornes growing upon the portioun of land foresaid this present yeere, and to caus leade and stacke the same upon the expences of the selfe in some neutrall barnyaird there to stand unintrometted with be anie of the saids parteis ay and whill it be decyded be order of law before the judge competent to whome the same apperteanes. And ordains letters to be direct to command, charge and inhibite both the saids parteis that nane of thame presoome nor take upon hand to méddle or intromett with the saids cornes or anie part thairof, bot to suffer and permitt the said shireff and his deputs to sheare, collect, leade and stacke the saids cornes in maner foresaid as they and everie ane of thame will answere upon the contrare at thair perrell and under the pane to be callit, persewed and punished as disturbers of the publict peace with all rigour."

Sederunt—Privy Seal; Perth; Annerdaill; Lauderdaill; Southesk; Melvill; Naper; Advocate; Sir James Baillie. Holyrood House, 27th September 1633.

Warrant to persons who have led their teinds in past years to lead them this year also.

"Forsameekle as for removing of all troubles and inconveniences that may fall out amongs his Majesteis subjects this present yeere anent the leading of teinds and for cleering of all doubts and misconceptions that may be conceaved ather anent his Majesteis resolutioun or anie acts formerlie made concerning the teinds, the Lords of Secreit Counsell hes heirby thought meit to signifie and declare and with that gives warrand and power to all and sindrie heretours and lyverenters who led thair f. 247, b. teinds be warrand this last yeere bygane, and whois teinds are valued and approvin, and suche as have beene in use and possessioun of leading thir diverse yeeres bygane, to leade the saids teinds this present yeere, they first finding cautioun and souertie actit in the bookes of Secreit Counsell for tymous and thankefull payment to the titulars of thair teinds of the valued teind rent according to the valuatioun made and to be made and approvin of the same; discharging heirby all others his Majesteis lieges and subjects that nane of thame presoome nor take upon hand to leade anie teinds this present yeere, except suche persons as hes beene in use and possessioun of leading of thair teinds thir diverse yeeres bygane and suche as hes beene warranted be the Commissioners for the Teinds to doe the same. And ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croce of Edinburgh and other places neidfull quhairthrow nane pretend ignorance of the same."

Charge to the lieges to support the sheriffs and their deputes in the discharge of their office with a view to the more effective administration of the law.

"Forsameekle as one of the cheefe causes quhilks procure the contempt of the law and not executioun of justice to his Majesteis distrest subjects through all the shires of this kingdome proceeds frome the undewtifull refusall of his Majesteis subjects to concurre with his Majesteis shireffs and others officers in the executioun of his Majesteis lawes and of these points of dewtie proper to thair charge and office,

quhairthrow the nomber of rebellis universallie increasses, stouths, thifts and others insolenceis hes a daylie course and progresse, and his Majesteis subjects ar frustrat and disappointed of that confort and releefe quhilk the ordinar magistrats sould minister unto thame, to the high contempt of the law and misregarde of his Majesteis auctoritie; for remeid whairof the Lords of Secreit Counsell ordains letters to be direct to command and charge all and sindrie his Majesteis lieges and subjects throughout the severall shirefdoms of this kingdome that they and everie ane of thame rise, concurre, fortifie and assist his Majesteis shireffs and thair deputs, everie ane within thair awne bounds, in all and everie thing concerning the executioun of thair office and charge, under all highest pane, charge, cryme and offence that they and everie ane of thame may committ aganis his Majestie and under the pane to be callit, persewed and punished for thair contempt and dissobedience with all rigour to the exemple of others." Acta, June 1632-June 1634. Fol. 237, b. Fol. 248, a.

[In the Sederunt here Galloway is added.] Sederunts, November 1629-January 1635.

Caution by William Smith for William Young.

"The quhilk day William Smith, cordonner burges of Edinburgh, become cautioner for William Young in Dalkeith for the indemnitie of Mr Nicoll Bannatyne under the pane of 500*li.*" Fol. 111, a.

Disorders on the Borders.

"The Lords ordains the Commissioners of the Middle Shires to be writtin for to November for order taking with the disorders in the Borders."

Persons guilty of incest.

"A commisioun to Dinwiddie for taking some incestuous persons and exhibitioun of thame to justice."

Holyrood House, 5th November 1633.

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Lauderdaill; Annerdaill; Areskine; Clerk Register; Advocate. Acta, June 1632-June 1634. Fol. 248, a.

Proclamation anent the meetings of the Privy Council, the Court of Exchequer, and the Commission for Surrenders.

"Forsameekle as the Kings Majestie for diverse good considerations tending to the good and advancement of his Majesteis service hes thought meit and expedient and givin order and directioun that the sessiouns of his Majesteis Counsell, Exchecker and Commissioun for the Surrenders and Teinds sall at all tymes hereafter be keeped within the burgh of Edinburgh; lykeas the Lords of Secreit Counsell hes appointed and ordained that the ordinar meetings of his Majesteis Counsell, Exchecker and Commissioun sall be upon the ordinary dayes at one of the clocke in the afternoone and sall sitt till foure of the clocke at night and no longer; thairfoir ordains ane maisser of Counsell to pas to the mercat croce of Edinburgh and there be opin proclamatioun to make publicatioun heirof, whairthrow nane pretend ignorance of the same. Followes his Majesties missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit

Letter from his Majesty anent the Kirk of St. Giles, the new Tolbooth,

Acta June 1632-June 1634. Fol. 248, a.

counsellers, we greit yow weill. Whereas we have writtin to our toun of Edinburgh for causing raze with diligence the east wall within the church of Sanct Geeles and the west wall therein betweene this and Lambmesse ensewing to the end that those wallis being removed the decencie of the order and largenesse of the fabrick may appeare and be made usefull as the cathedral church of the bishoprick of Edinburgh, to whiche purpose we have designed the same; and whereas we have signified our pleasure unto thame for finishing the new tolbuith betweene this and Lambmesse, in both whiche they will be at charges especially in building that hous for our service; thairfor and for thair better encouradgement and enabling to the like good and publict workes, we have heereby thought fitt speciallie to recommend unto yow to further thame therein in what yow can lawfullie and convenientlie doe, and to see the said easter wall razed with all diligence and the other betwix this and the tyme designed. And our further pleasure is that now and at all tymes heereafter yow caus the sessions of our Counsell, Exchecker and Commissioun for Surrenders to be keeped within that toune, whiche we for thair good and advancement of our service have resolved to have done; for your so doing these presents sall be your sufficient warrand. From our Court at Whitehall, the 11 day of October, 1633."

and the meetings of the Privy Council, the Court of Exchequer, and the Commission for the Surrenders.

Decreta, November 1633-April 1635. Fol. 3, a.

This day having been assigned to Thomas Miller, merchant in Leith, to compear and make count and reckoning of his intromission with certain wines and aquavitie, and the prices thereof, in terms of a decree pronounced at the instance of Margaret Robertsone, daughter of the deceased Captain David Robertsone, James Robertsone, his son, and George Scot, spouse to the said Margaret, against John, Earl of Rothes, Andrew Ainslie, George Arnot and John Cowane on 27th September last; and the said Thomas Miller, John, Earl of Rothes, George Arnot and Andrew Ainslie appearing by Mr John Paip, advocate, as their procurator, and the said Margaret and James Robertson and George Scot appearing by Patrick Scot, their procurator, the Lords, with consent of parties, continue the case till the 14th instant and warn parties thereof *apud acta*.

Edinburgh, 5th November 1633.

Postponement of dispute between the heirs of Captain Robertson and the Earl of Rothes.

[Omitted at its proper place in the Register.]

Acta, June 1632-June 1634. Fol. 248, b.

Sederunt — Chancellor; Privy Seal; Marquis of Hamilton; Murrey; Wintoun; Perth; Annerdaill; Lauderdaill; Clerk Register; Advocate.

Edinburgh, 7th November 1633.

"The Lords of Secreit Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie and directed to the saids Lords and this day presented unto thame and read in thair audience, receaved and admitted Thomas, Lord Binning, to be one of the Privie Counsell of this kingdome and to bruike and injoy all honnours, digniteis, liberteis and priviledges proper and dew to that place; lykeas the said Lord Binning being personallie present and acknowledging with all

Thomas, Lord Binning, admitted into the Council.

humble and dewtifull respect his Majesteis gracious favour shawin unto him by preferring and promoving of him to that place of dignitie and honnour, he with all dew reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counseller. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trusty and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Understanding perfytelie the sufficiencie of our right trustie and weilbelovit the Lord Binning and of his affectioun to our service, we ar moved in regarde thairof, and for his further encouragement and enabling for our service, to advance and promove him to be one of our Privie Counsell of that our kingdome. Our pleasure is and we do heirby require yow that having administred unto him the oath accustomed in the like caises yow admitt him to be one of our Counsell, receaving him in that place as one of your nomber, for doing whairof these sall be sufficient warrand. Frome our Court at Whitehall we bid yow farewell, the first day of November, 1633." Acta, June 1632-June 1634. Fol. 248, b.

Warrant for filling up the vacancies in the commission for the revision of the laws.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented unto thame and read in thair audience, ordains and commands Sir Johne Hay of Lands, knight, Clerk of his Majesteis Registers, to fill up the blankes in the commissioun of the lawes in maner following: to witt, that the nomber of sevin sall make a sessioun and that the Lord High Chanceller, the Erles of Mortoun and Traquair and the President of the Sessioun for the tyme be of the quorum, and that they all or one of thame be alwayes present; and the tyme of endurance of the said commissioun to be betuix and Witsonday, 1635 yeeres, and to be prorogat during his Majesteis pleasure; anent the filling of the quhilks blankes in the commissioun foresaid the extract of this act sall be unto the said Clerk of Register a sufficient warrand. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Whereas it is expedient that the blankes in the commissioun of the lawes toucheing the nomber of persons to make a sessioun, the quorum, the tyme of indurance and prorogatioun be filled up; it is our pleasure that seven make a sessioun, that our Chanceller, the Erles of Morton and Traquare and President of the Sessioun for the tyme be of the quorum, and that they all or one of thame be alwayes present, the tyme of endurance of the said commissioun to be betweene this and Witsonday, 1635 yeeres, and to be prorogated during our pleasure. To whiche purpose we require yow to give warrand to our Clerk of Register by ane act of our Privie Counsell for filling up of our said commissioun Fol. 249, a.

Acta, June 1632-June 1634. Fol. 249, a.

accordinglie, for whiche these presents sall be your warrand. So we bid yow farewell. Frome our Court at Whitehall, the 11 day of October, 1633."

Sederunts, November 1634-January 1635. Fol. 111, b.

"A letter frome his Majestie anent the renewing of the commissiouns of the Justices of Peace, quhereanent the Directour of the Chancellarie and Clerkes of the Privie Counsell ar ordained to be warned to Tuisday night." New Justices of Peace to be appointed.

Acta, June 1632-June 1634. Fol. 249, a.

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Annerdaill; Lauderdaill; Tracquair; Bishop of Dunkeld; Binning; Secretary; Clerk Register; Advocate; Sir James Baillie. Edinburgh, 8th November 1633.

"The whilk day George, Erle of Kinnoull, Lord High Chanceller of this kingdome, reported and declared to the Lords of his Majesteis Privie Counsell and Exchecker that he had latelie receaved ane letter directed frome his Majestie to him conteaning a declaration of his Majesteis royall will and pleasure aganis Williame, Erle of Airth, for some treasonable speeches spokin be him and the fault committed be him in his service to the erledome of Strathern as in the said letter at lenth is conteanit; whiche the said Lord Chanceller exhibite before the saids Lords and declared that accordinglie he had writtin for the said Erle to come and heare his Majesteis will and pleasure intimat to him. Fol. 249, b Quhereupon the said Erle having made his addresse to this burgh and compeirand this day before the saids Lords of his Majesteis Counsell and Exchecker and the letter foresaid sent from his Majestie to the said Lord Chanceller being at lenth read and intimat unto him, the said Erle with all dew reverence acquiesced unto his Majesteis royall will and pleasure, and offered him readie and willing to make ane full and actuall surrender in the hands of the Lords of his Majesteis Privie Counsell and Exchecker, as in his Majesteis hands, of the places, charges and offices whiche formerlie he had in the state of Presidentship in the Counsell, Justice Generall and place in Sessioun, with all the honnors, fees, priviledges and immuniteis dew to him be vertew thairof, to be disposed of as his Majestie sall be pleased to appoint, togidder with the pensioun allowed to be payed to him out of the Exchecker; lykeas the said Erle compeired and personallie before the saids Lords of Privie Counsell, as said is, resigned and surrendred, lykeas be the tennour of this present act he resignes and surrenders in the hands of the saids Lords of Privie Counsell, as in his Majesteis hands, the offices particularlie underwrittin; to witt, of presidentship of his Majesteis Counsell, Justice Generall and place in Sessioun, with all gifts, letters, patents and warrands grantit to him for injoying of the same places, with all honnours, digniteis, fees, priviledges and immuniteis whatsomever dew to him be vertew of the same, to be disposed of as his Majestie sall be pleased to appoint. And for the mair securitie the The Earl of Airth deprived of his office and pension for certain treasonable speeches.

said Erle in presence of the saids Lords subscryved the dimissioun and surrender underwrittin and consented that the same sould be insert and registrat in the bookes of Privie Counsell and Exchecker *ad futuram rei memoriam*, upon the subscryving of the whiche dimissioun and surrender the said Lord Chanceller asked instruments. And the saids Lords of Privie Counsell ordains the said dimissioun and surrender with the letter foresaid sent to the Lord Chanceller to be insert and registrat in the bookes of Privie Counsell and Exchequer *ad futuram rei memoriam*; of the whilk dimissioun and surrender the tennour followes: —Be it kend till all men be thir present letters, me, Williame, Erle of Airth, forsameekle as it hes pleased his sacred Majestie by his Hienes letter direct to my Lord Chanceller of the dait the nynt of October last to declare that whereas his Majestie upon the commissioun for tryell of some treasonable speeches spokin by me hes found sufficient prooffes to beleeve the same and I by my owne acknowledgement confessed als muche in effect, togidder with the great fault committed by me in my service to the erledome of Stratherne, in regarde whairof his Majestie by his said letter hes found that I am not worthie to injoy the charges quhilkis I have formerlie borne in the estait nor yitt the pensioun allowed to be payed to me furth of the Exchecker, and hes commanded the said Lord Chanceller to require me to surrender up into his Majesteis hands my charges and places of presidentship in Counsell and Justice Generall and place in Sessioun to be disposed of as his sacred Majestie sall be pleased to appoint, togidder with the gift of my pensioun formerlie grantit to me by his Majestie; thairfoir and for obedience of his Majesteis sacred will and ordinance witt yee me to have resigned and surrendered, lykeas I, compeirand in presence of the Lords of his Majesteis Secreit Counsell and Exchecker, resigne and surrender in thair hands, as in the hands of his sacred Majestie, the places, offices and charges of president in Counsell, Justice Generall and place in Sessioun, togidder with my pensioun of fyve hundreth punds sterline grantit to me be his sacred Majestie with all gifts, letters, patents and other warrands whatsomever grantit to me be his Majestie for injoying the saids places or for bruiking the said pensioun, with all honnours, digniteis, fees, priviledges and others immuniteis whatsomever dew to me be vertew of the saids gifts or any of thame in all tyme comming, to the effect his Majestie may dispose thereupon at his pleasure; and for the mair securitie I am content and consents that thir presents be insert and registrat in the bookes of Secreit Counsell, Sessioun and Exchecker *ad futuram rei memoriam*, and for that effect makes and constituts, etc., my procurators to compeir and consent to the registrating of the premises in maner foresaid. In witnes whairof I have subscryved thir presents with my hand at Edinburgh, the aucht day of November, the yeere of God j^{m}vj^{c} threttie thrie yeeres. *Sic subscribitur*, AIRTHE. Followes the tennour of the missive abonewrittin:—CHARLES R. Right

Acta, June 1632–June 1634. Fol. 249, b.

Fol. 250, a.

Acts, June 1632-June 1634. Fol. 250, a.

trustie and right weilbelovit cousine and counseller, we greit yow weill. Whereas upon the commissioun for tryell of some treasonable speeches spokin be the Erle of Airthe we found sufficient proofe to beleeve the same, and in regarde lykewayes he by his awne acknowledgement confesseth in effect als muche, togidder with the great fault he committed in his service to the erledome of Stratherne, as is conteanned under his hand in his late submissioun, we thairfor find that he is not worthie to injoy the charges whiche he hes formerlie borne in the estait by our gift and appointment nor the pensioun allowed to be payed to him out of our Exchecker. Wherefore we have thought good heirby to signifie the same unto yow, and it is our pleasure that yow require the said Erle in our name to surrender up into our hands these his charges of presidentship of the Counsell, Justice Generall and place in Sessioun, to be disposed of as we sall appoint, as lykewayes the gift of his said pensioun, and that in the meane tyme yow confyne him to his awne houses and the bounds belonging thereunto, whiche ar not neere to Halyrudhous where the publict meetings of our estait ar keeped; and for your so doing these presents sall be your sufficient warrand. Frome our Court at Whytehall, the nynt day of October, 1633. Followes the directioun on the backe of the letter:—To our right trusty and right weilbelovit cousine and counseller, the Erle of Kinnoull, our Chanceller of our kingdome of Scotland."

Fol. 250, b.

Act confining the Earl of Airth to his own houses.

"The Lords of Secreit Counsell, according to ane warrand and directioun in writt sent frome his Majestie to the Lord High Chanceller of this kingdome and be him exhibite and shawin unto thame, hes confyned and be thir presentis confynes Williame, Erle of Airthe, to his owne houses and bounds belonging thereunto, quhilks ar not neere unto the palace of Halyrudhous where the publict meetings of the estait ar keeped. And the said Erle of Airthe being present and this act anent his confyning being intimat unto him he in submissive reverence promeist to give dewtifull obedience thereunto."

Charge to certain commissioners for the Surrenders to appear before the Council—they having failed to appear on the day appointed for the meeting of the said Commission.

"Forsameekle as the Erle of Dumfreis, the Lords Naper and Corstorphine, the lairds of Amisfeild, Cavers and Kelburne, commissioners for the Surrenders and Teinds, wer nominat and appointed to have attended the first quarter sessioun; to witt, fra the first of November to the 24 of December, anent the dispatche of the effaires of the said commissioun, and they being writtin for to that effect they have not keeped the said dyet and sessioun, quherthow his Majesteis service is like to be frustrat and disappointed and his Majesteis subjects ar heavilie prejudged in their effaires; thairfoir ordains letters to be direct charging the commissioners foresaids to compeir personallie before the saids Lords at a certane day to heare and see suche order tane anent this mater as the necessitie of his Majesteis service and good of the lieges doeth require, under the pane of rebellioun, etc., with certificatioun, etc."

Edinburgh, 12th November 1633.

Sederunt—Chancellor; Privy Seal; Marquis of Hamiltoun; Perth; Annerdaill; Lauderdaill; Bining; Dunkelden; Dumblane; Master of Elphinstoun; Secretary; Advocate; Clerk Register. Sederunts, November 1629-January 1635. Fol. 111, b.

[No record of business.]

Edinburgh, 14th November 1633.

Sederunt—Chancellor; Privy Seal; Annerdaill; Lauderdaill; Dumfreis; Tracquair; Bishop of Dunkeld; Bishop of Dumblane; Bining; Secretary; Clerk Register; Advocate; Sir James Baillie. Acta June 1632-June 1634. Fol. 250, b.

The Council recommends a general subscription by the lieges for the ransom of certain Kirkcaldy sailors who have been taken by the Turks, and are now detained in Algiers.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be Johne Balcanquall, maister of the goed ship callit *The Blessing of Kirkaldie*, Daniel Hay, James Hay, George Balcanquall, Johne Hucheoun, James Burt, James Hutcheoun, Williame Logane, Alexander Moyes, Thomas Nicolsone, Johne Scot, Johne Robertsone, Alexander Law, George Scot, Johne Wemes, James Broun, Johne Aittoun, Robert Logane, Henri Ronnaldsone and Williame Stevinsone, all indwellers in Kirkaldie and of the companie and equippage of the said ship, makand mentioun that where in the moneth of July last they having loadenned thair said ship, whiche wes of the burdein of three hundreth twnne, in the toun of Rotchell with great salt, and they having loused frome thair port and being upon thair dew course home toward this kingdome they wer Fol. 251, a. fearfullie persewed and sett upon be three Turkish men of warre and after a long combat betuix thame, the supplicants having stood to thair defence so long as they might, they were in end overcome and boorded, thameselffes tane, miserablie bound, used as slaves and caried to Argiers in Barbarie, where they ar lying in great slaverie and miserie and subject to all the contumeleis that these miserable miscreants can inflict upon thame, and in end they have ransomed the supplicants to above twentie foure thowsand merkes, quhilk soume they are unable to pay, being bot poore mariners, nombers of thame having the charge of wyffes and barnes who now miserablie suffers penurie and want, being depryved of the confort and maintenance they had be the supplicants, and who will perish if some course be not tane for thair releeffe; humbelie desyring thairfoir the saids Lords that they might have thair letters of recommendatioun in maner and to the effect following, lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords, and they being trewlie informed of the miserie and slaverie wherein the saids supplicants ar, and finding it ane mater of Christiane charitie and compassioun and that it concernes the credite of the natioun to see thame releeved, thairfoir the saids Lords hes recommended and be the tennour heirof recommends the saids supplicants to the favourable, charitable and christiane consideratioun of the haill estaits, both spirituall and temporall, within this kingdome, and to the

Acta, June 1632-June 1634. Fol. 251, a.

whole persons of whatsomever ranke, qualitie and degree within the same, requesting and desyring thame and everie ane of thame to extend suche proportioun of thair liberalitie and charitie to the saids supplicants as the necessitie of the caus requires; and the saids Lords hes committed and be the tennour heirof committs the collectioun of this contributioun and benevolence to Johne Coilyear, baillie of Kirkaldie, Johne Williamsone, Henrie Miller, elder, Williame Williamsone, James Denneistoun, George Hutcheoun, Thomas Allane and David Bennet, indwellers in Kirkaldie, who ar men of approvin honestie and reputatioun and will deale faithfullie in this bussines and conceale nothing that will be givin be the people to this so good and necessar a worke; givand, grantand and committand unto thame and everie ane of thame full power, warrand and commissioun to deale and travell with the whole archbishops and bishops, noblemen, barons and gentlemen, synods, presbytereis and sessiouns of kirks, burrowes, touns and villages, and with all others his Majesteis subjects, als weill to burgh as land, within this kingdome, anent thair benevolence and charitable and christiane contributioun to be givin for the releeffe of the saids supplicants; quhilks commissioners sall have ane booke delyvered unto thame be the clerk of his Majesteis Counsell, whairof everie leafe sall be marked be the said clerk, within the quhilk booke the saids Lords requeists all and everie persons who sall contribute to this worke to insert or caus to be insert the soumes of money that they sall contribute and advance in this earand, and, if any person or persons be sleuthe or negligence sall refuise or forgett to insert thair said contributioun, ordains and commands the saids commissioners to insert the same themselffes, and that thay report thair dilligence in the premisses with thair bookes conteaning the names of the whole persons contributers and soumes of money collected be thame to the saids Lords upon the xxiiij day of September nixt, to the intent the saids Lords may know what soumes ar collected and how the same sall be imployed; and the saids commissioners sall give thair great oath at the reporting of thair diligence and bookes foresaids that they have not omitted nor left out of the said booke anie of the persons names that contributed nor the soumes nor no part thairof that sall be advanced in this earand; requeisting all and sindrie archbishops and bishops within this kingdome to give directioun to the ministers within thair dioceis that they admonishe and stirre up thair flockes and parochiners to putt to thair helping hand in this so important and necessar a caus."

Fol. 251, b.

Sederunts, November 1632-January 1633. Fol. 112, a.

Commission for the trial of John Melrose.

"A commissioun to James Naismith of Posso, Mr James Lawsoun of Carnemure, and Jonas Hamiltoun of Quotquot, or anie twa of thame, for putting of Johne Melros to ane assise for the crymes conteanit in his confessioun."

Obligation by John Young, who is accused of theft, to appear before

"The quhilk day Johne Young, prisouner in the tolbuith of Edinburgh for thift, compeirand personallie before the Lords of Privie Counsell, actit and obleist him to compeir personallie before his Majesteis

the Justice when he is summoned.

Justice and his deputs to underly the law for the cryme of thift when ever he sall be lawfullie charged, under the pane of fyve hundreth merkes." Sederunts, November 1629–January 1635.

Edinburgh, 19th November 1633.

Sederunt—Chancellor; Earl of Hadinton, Privy Seal; the Marquis of Hamilton; the Earl of Murrey; the Earl of Perth; the Earl of Annerdaill; the Earl of Roxburgh; the Earl of Lauderdaill; the Earl of Southesk; the Earl of Tracquair; the Bishop of Dunkeld; the Bishop of Dumblane; the Lord Binning; the Maister of Elphinston; Sir Archibald Achison, Secretary; Sir John Hay, Clerk Register; Sir Thomas Hope, Advocate; Sir James Baillie.† Decreta, November 1633–April 1635. Fol. 1, a.

Allowance to be granted to Thomas Miller, merchant burgess of Edinburgh, for his trouble in selling a quantity of wine which had been brought from Nantes to Leith.

The Lords of Secret Council, having seen and considered the accounts given in by Thomas Miller, merchant burgess of Edinburgh, respecting his selling of thirty-five tuns and two puncheons of wine which were shipped at Nants in Britaigne and brought to Leith in the Hamborrow ship, called *The Whyte Swan*, in which accounts he has not condescended upon the allowance due to himself for his fifteen months attendance upon the said wines, judge that this allowance should be referred to some skilled merchants as most fit persons to determine what he should receive. This being proposed to George Scot, spouse to Margaret Robertsone, who was personally present with Mr. David Heriot, his procurator, and to Mr. John Paip, younger, advocate, who appeared as procurator for George Arnot and the remanent partners, and to Thomas Miller, who was also personally present, and they desired to nominate some persons to determine the allowances foresaid and also about the two last articles of the accounts, viz., the sum of £300 expended in defence of Jacob Jansoun, and the costs of procuring licence from his Majesty for reserving the goods when they were seized—Mr. John Paip nominated Andrew Purves, merchant burgess of Edinburgh, and Mr. David Heriot nominated George Scot, younger, merchant burgess of Edinburgh. These two persons accordingly the Lords ordain to meet and deal with the matter. They are to advertise the two agents above-named and Thomas Miller of the date of their meeting, and then hear them upon the points remitted to them, and report their decision thereupon to the Lords on the 28th instant. Fol. 1, b.

Complaint by James Crichton of Frendraught against William Davidson, servitor of Alexander Chalmer, who at the instigation of his master has trespassed on the com-

Complaint by James Crichtoun of Fendraucht, as follows:—On May last William Davidsoun, servitor of Alexander Chalmer in Utinstoun, at the instigation of the said Alexander, with twenty horses carrying loads and burdens, came "in despite and contempt of the said compleaner to the yett of Fendraucht, and miskenning the hie way went throw the greene haynned grasse, growand cornes, medowes, parkes and planting of Fendraucht, brocke doun the dykes and planting thairof, raid throw ane myle of his sawin ground and growing cornes, and pitifullie

† Extended *Sederunt* at the commencement of a new volume of the Decreta.

[illegible]reta. November 1633-April 1635. Fol. 1, b.

spoyled and trode the same; cutted, hewed and brake doun the trees and planting of the wod, and when the compleaners servants desired thame to goe out the hie way, quhilk wes neere by, and some of the said William Davidsons companie desired him lykewayes to doe the same, they not onelie refused, threatning the compleaners servants and saying unto thame—'How darre yow so muche as forbid anie people of Strabogie land bot to suffer thame to doe to yow and your maister as they please; and if this can doe your maister anie hurt we and all our people sall use no other way in tyme comming':—and said to his companions that he would goe no other way, bot if there wer anie way throw the hous and closse of Fendraucht he sould goe that way and noe other in despite of the Laird of Fendraucht, for he knew the Marqueis of Huntlie would think him the better man for doing of that; and with that minassed and persewed the compleaners servants and threatned to have killed thame with thair swords if they had not fled for thair saifetie." The complainer has thought it right to make remonstrance hereof to their Lordships that they may redress this wrong and take some order for his security and that of his dependants. Charge having been given to the said Alexander Chalmer and William Davidsoun, and the complainer appearing by Mr. James Baird, his procurator, but not the defenders, the Lords ordain the latter to be put to the horn.

plainers' lands and damaged his property.

Fol. 2, a.

Complaint by Sir John Maxwell of Neather Pooke, as follows:—James, Duke of Lennox, Earl of March and Dernelie, heretable proprietor and keeper of the Castle of Dumbartane, appointed the complainer captain and keeper of the said castle, and in terms of his commission granted to him thereupon he went on 15th October last to the castle and made lawful intimation to Sir George Elphinstoun, knight, and Sir Archibald Dowglas, his son-in-law, present keepers of the said castle, of his commission and dealt with them for the delivery of the same. They refuse, however to deliver the castle in any case to him unless they be compelled so to do. Charge having been given to the said Sir George Elphinstoun, Sir Archibald Dowglas and Dame Isabel Elphinstoun, his spouse, present keepers of the said castle, to deliver the same to the complainer, and remove themselves, and wives, children and servants therefrom within twenty-four hours, under the pain of rebellion, or else compear before the Lords and show a reasonable cause why they should not; and the said cause being called upon 5th November instant, when the pursuer compeared by Mr. William Cochrane of Cowden, Sir George Elphinstoun by Mr. James Baird, and Sir Archibald Dowglas personally for himself and his wife, the Lords, after hearing parties, continued the cause till this day. It being now called of new, and the pursuer compearing by his said procurator, but no appearance being entered for any of the defenders, the Lords ordain letters to be issued to charge the latter to render the said castle to the pursuer within twenty-four hours,

Complaint by Sir John Maxwell of Nether Pollok, against Sir George Elphinstone and Sir Archibald Douglas, who refuse to admit the complainant to the Castle of Dumbarton, of which he has been appointed keeper by the Duke of Lennox, its hereditary proprietor.

Fol. 2, b.

under the pain of rebellion, and if they disobey, to put them to the horn. Decreta, November 1633-April 1635. Fol. 2, b.

Complaint by John Cuthbertson, cordwainer in the Canongate, against William Cuthbertson, his brother-in-law, for illegal warding.

Complaint by John Cuthbertsone, cordiner in the Canongate, as follows:—Last Council day their Lordships committed him to ward in the tolbooth of Edinburgh upon the complaint of William Cuthbertsoun, his brother, that "he put his servants out of the hous and going in to the same with ane hammer" broke up the "kists." He "must reverence the course of justice, so it is most trew that the compleaners said brother hes spoyled him of his haill partage and purchasse" for which he has him under process before the Lords of Session. Now by his warding he is not only "cassin louse of his calling" but debarred from this pursuit. Charge having been given to the said William Cuthbertsoun to compear, and the pursuer compearing but not the defender, the Lords ordain the the provost and bailies of Edinburgh to liberate the pursuer in so far as he is warded for the above cause.

Edinburgh, 21st November 1633.

Sederunt—Chancellor; Privy Seal; Marquis of Hamilton; Errol; Perth; Roxburgh; Annerdaill; Lauderdaill; Dumfreis; Southesk; Tracquair; Lorne; Areskine; Bining; Bishop of Dunkeld; Bishop of Dumblane; Master of Elphinston; Secretary; Clerk Register; Sir James Baillie. Acta, June 1632-June 1634. Fol. 251, b.

Charge to James, Lord Johnstone, to arrest William Johnstone, who is accused of unnatural crimes.

"Forsameekle as it is understand to the Lords of Privie Counsell that Williame Johnestoun, brother to the tutour of Eshesheillis, having lyin in the filthie sinne of whoordome with Margaret Hunter the space of three years togidder, betuix whome there wer three childrein procreat, he sensyne fell in a more detestable and odious sinne with the daughter of the said Margaret Hunter, betuix whome there wes a childe procreat, and after this incestuous matche he is returned backe agane to the said Margaret Hunter and incestuouslie cohabites with her, to the great offence of God, scandall of his trew religioun and contempt of law and justice; for the whilk they ar lawfully and orderlie excommunicat be the orders of the kirk. Thairfoir the Lords of Secreit Counsell gives and grants commissioun be thir presents and with that commands and ordains James, Lord Johnestoun, who wes personallie present and is cheefe to the said Williame and a speciall persoun in that countrie who can be burdened with his apprehensioun and exhibition, to pas, searche, seeke and take the saids Williame Johnestoun and Margaret Hunter wherever they may be apprehended and to bring, present and exhibite thame before the saids Lords to be tane order with for the abominable and incestuous cryme foresaid, and all things necessar for thair apprehensioun to doe and use quhilks in suche caises is neidfull; firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin." Fol. 252, a.

Decreta, November 1633-April 1635. Fol. 3, b.

[Sederunt as recorded above.]

Edinburgh, 21st November 1633.

Supplication by James Livingstone of Beill, one of his Majesty's Bedchamber, as follows:—He has come to this country to settle with George Lawder of Bas and Isobel Hepburne, his mother, who, however, dare not repair to this burgh for concluding the business in respect of some hornings under which they lie, and he therefore craves that their lordships would grant them a protection. The Lords grant them their protection until 1st February next, provided that before the 20th December next they deliver up to the said James such writs, evidents and securities as they are obliged to do by their contract; otherwise this protection to be null.

Supplication by James Livingstone of Beill for protection to George Lawder of Bass and Isabel Hepburn, his mother.

Complaint by Elspet Nisbitt, lawful daughter of the deceased Alexander Nisbitt, procreated between him and Agnes Kellie, his spouse, and Sir James Baillie of Lochend, brother-in-law to the said Elspet, for his interest, as follows:—After the death of the said Alexander Nisbitt, the education of the said Elspet and her deceased brother James, with the administration of their estate, was committed to Sir Alexander Nisbitt of West Nisbitt, their [nearest] kinsman. He accordingly had the full intromission with all that belonged to them for several years until the expiry of the minority of the said James, who then wishing to take the management of his estate into his own hand and to have an accounting with Sir Alexander, dealt with him and their friends thereanent. Sir Alexander was induced to agree, and for this effect a meeting was arranged to take place at Edinburgh on 1st November instant. "Bot some fyve dayes before the day of the meeting the said James wes visite with ane untymous death by the shott of ane hacquebut at the said Laird of West Nisbitt's awne yett; and the said Sir James, being at his buriall, dealt with the said Laird to delyver the said Elspit, his sister-in-law, to him to have remained with his wife, her sister, where she might be free of all indirect purposes to be intended against her persoun, estait and fortouns. And the said Sir Alexander seeming to allow of the motioun, he onelie excused himselfe that he could not on a suddane send her till her mourning cloathes wer readie and than he faithfullie promeist to send her to the said Sir James, and that she sould not be dealt with nor urged to doe anie thing to her prejudice. Quhairupon the said Sir James offered the said Elspitt in mariage to the said Sir Alexander his eldest sonne if he thought it for the weale of his house; quhereunto the said Sir Alexander replyed 'God damne him and that his hous sinke if anie barne of his sould marie the said Elspitt or that he sould doe anie thing to her prejudice,' and his onelie desire wes that the said Sir James sould not deale in her mariage without his advice and that at thair meeting in Edinburgh he sould in a freindlie maner sattle all things questionable anent his intromissioun foresaid. Quhereunto the said Sir James agreed and promeist faithfullie to doe the same. And there-

Fol. 4, a.

Complaint by Elspeth Nisbet, daughter of the deceased Alexander Nisbet, against Sir Alexander Nisbet of West Nisbet for illegal conduct in his capacity as her guardian.

after the said Sir Alexander called twa of the said Sir James his servants, named Mr Robert Lawder and Johne Symontoun, and repeated all his former words and promises before thame and desired thame to report the same to the said Sir James his wife, aunt to the said Sir Alexander; and upon the morne after the buriall he wrote ane letter to the said Sir James renewing his promise anent . . . .[1] Elspitt, and the said Sir James returned ane answer to the said Sir Alexander assuring him of ane faithfull performance of all that he had promised; and the said Sir James his servant desyring ane answer in writt thereunto the said Sir Alexander answered he could nather wryte nor say more nor he had done unlesse he would subscryve blankes, and that he sould ather prove ane honest man or a knave. And the said Sir James and the said Elspitt, leaning to his faithfull promise in thir particulars, yitt notwithstanding most undewtifullie and unchristianelie, taking advantage of the simplicitie of the said Elspitt by alluring and threatning speeches, entised her to subscryve unto him sindrie writts and would never suffer her to reade one lyne of thame or to know the tennour of the same, bot made her to understand that all wes for her weale; and it is verie likelie that thir writs subscryvit be her hes beene discharges of his intromissioun with her and her umquhill brothers estait and some dispositions of her estait and living in his favors. Quhilk being a mater of verie bad exemple and of a dangerous and wicked preparative that minors entrusted to the care and custodie of thair freends sall be circumveenned and abused after this forme, the compleaners have thairfoir presoomed to give notice heirof to the Lords of Privie Counsell to the intent they may take suche order heereanent as the nature and circumstances of the caus requires." Charge having been given to the said Sir Alexander Nisbitt to compear personally this day and produce before the Lords all such papers as he has caused the said Elspet to subscribe, and both pursuers and defender compearing, the latter objected that the production of the writs in question was a matter for the Lords of Council and Session. To this it was replied that their Lordships' own jurisdiction was competent, seeing that the said Elspet constantly affirmed that allurements and threatenings were used by the defender to obtain her signature. The Lords find the libel relevant, and ordain the defender to exhibit the said writs unregistered to the Clerk of Council to-morrow before night (which he promised to do); and the writs being delivered, they ordain the said Elspet to be sequestrated with John, Earl of Tracquair, and that both parties have access to confer with her, Sir Alexander in the forenoon and Sir James in the afternoon.

Decreta, November 1633-April 1635. Fol. 4, a.

Fol. 4, b.

Fol. 5, a.

Charge to the persons who had been appointed to report on the disorders in the Highlands. See *ante*, p. 131.

"The Lords ordains the gentlemen that wer writtin for anent the disorders of the Hielands to conveene and meit among themselffes and to sett doun thair overtures in writt for repressing of the disorders and makand the theeves furthcummand to justice; and that everie one apart

Sederunts, November 1629-January 1635. Fol. 112, a.

[1] Torn.

Sederunts, November 1629-January 1635. Fol. 112, a.

give in to the Chanceller a roll of the brokin men and theeves with the names of these under whome they dwell; and to acquaint the Chanceller when they ar readie to make thair report, to the effect the Counsell may be conveenned to receave the same."

"Ordains the Commissioners of the Middle Shires to meit and advise upon the best meanes and wayes for suppressing of thift in these bounds, and to consider the overture made thereanent be the Erle of Nithisdaill whiche wes this day produced, and to report to the Counsell." Charge to the Commissioners of the Middle Shires anent theft within their bounds.

Fol. 112, b.

Sederunt—Chancellor; Privy Seal; Bishop of St. Andrewes; Perth; Southesk; Areskine; Bishop of Dunkeld; Bishop of Dumblane; Clerk Register; Advocate. Edinburgh, 22nd November 1633.

[No record of business.]

Sederunt—Chancellor; Privy Seal; Marquis of Hamiltoun; Roxburgh; Annerdaill; Lauderdaill; Dumfreis; Southesk; Tracquair; Lorne; Areskine; Secretary; Clerk Register; Advocate; Sir James Baillie. Edinburgh, 23rd November 1633.

"The Lords of Secreit Counsell, having at lenth debated and considderit the best and most effectuall meanes for suppresing of thift in the Hielands, they find the acts alreadie made thereanent to be sufficient if the same wer putt to dew executioun. And for this effect ordains the noblemen and barons interessed to give in to the Chanceller a roll of the names of fugitives and theeves with the crymes committed be thame and qualificatioun thairof, the place of thair haunt and ressett and name of the persouns under whome they dwell, to the effect order may be givin for thair apprehensioun and exhibitioun to justice." Charge to the persons appointed to report on the state of the Highlands to give in the names of offenders with all details regarding them.

"The Lords ordains the noblemen and barons who subscryved the petitioun to conveene togidder and consult what forder is fitt to be done for redresse of the disorders, and to report on Tuisday nixt." Anent the disorders in the Highlands.

Acts, June 1632-June 1634. Fol. 252, a.

Sederunt—Chancellor; Privy Seal; Marquis of Hamilton; Murrey; Wintoun; Roxburgh; Erroll; Annerdaill; Lauderdaill; Dumfreis; Southesk; Tracquair; Bishop of Dunkeld; Bishop of Dumblane; Lord Lorne; Lord Areskine; Master of Elphinston; Secretary; Clerk Register; Advocate; Sir James Baillie. Edinburgh, 26th November 1633.

"Forsamekle as some disordered and brokin lymmars in the Hielands of this kingdome, being wearied with the good and happie peace whiche hes beene so long continued within the same under his Majesteis blessed governement, and preferring thair bypast theevish trade to all good order and obedience, they have now begun to breake louse and to committ manie disorders and insolenceis upon his Majesteis good subjects in the Charge to sheriffs, stewarts, and bailies to apprehend all lawless persons within their bounds in the Highlands.

incountrie highly to his Majesteis contempt and disgrace of his governement; thairfoir the Lords of Secreit Counsell ordains and commands all his Majesteis shireffs, stewarts and bailleis, everie ane of thame within thair awne bounds, to have a speciall care of the preservatioun of thair saids bounds, and for this effect to pas, searche, seeke, hunt, follow and persew all disordered lymmars, theeves and brokin men that sall haunt and resort within the same and, being apprehended, to committ thame to waird and to deteane thame therein till justice be ministrat upon thame conforme to the lawes of this realme; and all things necessar for thair apprehensioun to doe and use quhilks in suche a caise ar necessar and usuall, firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin; and ordains letters to be direct charging all and sindrie his Majesteis lieges and subjects to rise, concurre, fortifie and assist his Majesteis said shireffs, stewarts and bailleis in all and everie thing tending to the executioun of this commissioun and in the persute and apprehensioun of the saids disordered and lawlesse lymmars, as they and everie ane of thame will ansuer upon the contrare at thair highest perrell." Acts, June 1632-June 1634. Fol. 252, a.

Edinburgh, 26th November 1633.

[Sederunt as recorded above with the addition of Lord Binning.] Decreta, November 1633-April 1635. Fol. 5, a.

Complaint by William Bannatyne of Corhouse anent his protection which his Majesty had referred to the Council.

Complaint by William Bannatyne of Corhous as follows:—He petitioned his Majesty for his royal protection for a year, so that he might take some course for satisfaction of his creditors. His Majesty signed the same and sent it down with a missive to their Lordships, willing them to dispose of it as they should think fit for the good of his creditors. They accordingly ordained that his creditors should be warned to this day to see the said protection granted and meanwhile granted him an interim protection. Charge having been given to Thomas Lindsey, James Weill and George Kincaid, merchants in Edinburgh, George Ker, tailor there, Thomas Robesoun there, Daniel Hay there, John Muild in the Cannogait, Gavin Lindsey in Leith and Mr. Alexander Kinneir, creditors of the complainer, to compear this day, and the pursuer compearing, and of the creditors James Weill, John Muild, Gavin Lindsay and George Ker, and parties having been heard, the Lords grant the complainer a protection till 10th January next so that meanwhile he may use his best diligence for satisfying his creditors. This they enjoin him to do with diligence; and further they ordain him to produce the writs and securities of his lands before them on 9th January, in order that the said Thomas Lindsey may obtain security for the payment of what is due to him. Fol. 5, b.

Complaint by Edward Maxwell of Hills and others against Alexander

Complaint by Edward Maxwell of Hills, John Lindsey of Achinskeoch, younger, James Maxwell of Knock, and William, James and Robert Maxwell, sons of the said Edward, as follows:—The said Edward is proprietor of the lands of Ochiltrie, Killuchatt and others in the parish Fol. 6, a.

Decreta, November 1633-April 1635. Fol. 6, a.

of Pennyghame and sheriffdom of Wigtoun, and he obtained decreets of removing against the possessors thereof and charged the sheriff of Wigtoun and his deputes to put the same to execution. He looked that no opposition would be made to this, yet upon May last Alexander Dumbar of Achingalie, Robert Dumbar, his son, John McKe, called of Glassock, Alexander Stewart in Tarfreg, Thomas Keith in Monygoiff, John and Robert McKe, sometime in Ochiltrie, John Dumbar, younger, of Machirmoir, David and John Dumbar, sons of Alexander Dumbar of Achingalie, and others, armed with swords, lances, great stings and other invasive weapons, came to the "crewes of Crie" where the complainers were that night, broke up the doors of the house, came to the chamber where the complainers were, and sought to take their lives, which they would have done, "were not thair awne better defence and help of some people in the house." They "sware manie execrable oaths that no man sould possesse the lands foresaid without thair consent and that they would respect no letters nor law of the kingdome nor anie proceeding that could be used aganis thame; and as yitt they keepe and deteane the possessioun of the saids lands and hes fortified the houses of the same with all sort of men and provisioun." Charge having been given to the said John and Robert McKe and Alexander, John and Robert Dumbar, as parties, and Finlay McGill and Gilbert McCririe in Cruves of Crie, as witnesses, and the said James Maxwell, son of Edward Maxwell of Hills, appearing for himself and the remanent pursuers, but the foresaid cited defenders and witnesses not compearing, the Lords after hearing other witnesses find that the said John McKie, called of Glassock, came to the chamber foresaid with a drawn sword, committing thereby a great offence, for which they ordain him to enter into ward within the tolbooth of Edinburgh within six days after being charged upon pain of rebellion; but they assoilzie the rest of the defenders, as the two witnesses proved nothing against them; and they ordain the two witnesses cited who compeared not to be put to the horn.

Dunbar of Achingalie and others for assault.

Fol. 6, b.

Fol. 7, a.

Complaint by James, Lord Ogilvie of Airlie, against certain persons in Glenisla who refuse to contribute to the support of a band of watchmen for defence against Highland robbers.

Complaint by James, Lord Ogilvie of Airlie, of the lordship of Cowper, as followes:—"In Glenyla, whiche is the highest land in the shirefdome of Angus and most subject to the depredatiouns and incursiouns of the Hieland theeves and lymmars, there wes yeerlie put furth be ordinance of court ane watche, consisting of twelffe men, for the defence of that countrie, whiche watchemen went furth yeerelie the first of July and remained constantlie watching in the feilds whill the last of September, who be thair panefull travellis and diligent watcheing preserved the countrie people frome the oppressions and thifts of these Hieland lymmars with verie small charge to the countrie people; for everie ane of the said watchemen had onelie allowed unto thame for thair weekelie interteanement twa peckes aitt meale and half ane merke of silver, but anie forder benefite or fee whatsomever. This custome of watching wes first institute be the Abbots of Cowper, superiors of the

saids lands of Glenyla, and putt in executioun be the said supplicants predecessours, thair bailleis, and ever since the dayes of these abbots till this tyme this forme of watching hes beene keeped and continued . . . . . whill now of late that certane uncharitable persons, refusing to give the foresaid maintenance for interteanement of the watchemen hes, be thair evill behaviour, made the said watche to desist and ceasse thir three or foure yeeres bygane, quherethrow great prejudice hes followed to the countrie people; for manie of thame hes thair goods stollin away and thair houses spulyied thir three or foure yeeres bygane." He therefore craves that the Council would both ratify the acts of court appointing the said yearly watch and their remuneration, and pass an act of Council ordaining the said watch to be maintained and appointing their maintenance, so long as there is any disorder in the said country; appointing the supplicant and his successors to hold a court yearly for this effect, to nominate one of the twelve as commander over the others, and to take the feuars of the said country obliged to pay the said maintenance during the term of watching. The Lords allow the said Lord Ogilvie to appoint and hold a court for procuring the consent of the feuars towards the setting forth and maintaining of the aforesaid watch, and to report to the Council "the names of these that disassents." Decreta, November 1633-April 1635. Fol. 7, a. Fol. 7, .

Protection to William Dalziel, son of Lord Dalziel, in order that he may produce the writs of Elspeth Scot.

The Lords assign the 5th of December next to William Dalyell, son of Lord Dalyell, for his compearing before the Council and producing what writs he has concerning the conjunct fee lands of Elspet Scot, widow of Walter Chisholme of that Ilk, and as on account of some civil hornings issued against him he cannot safely resort hither the Lords grant him their protection until 10th December next.

Complaint by Sir William Murray of Touchadam and others against Janet Lawson, widow of Sir John Edmonston of Ednam, for illegally resisting their leading the teinds of the lands of Ednam.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, Sir William Murrey of Touchadame, Sir Alexander Seatoun of Graden, Sir John Stirline of Carden, and William Stirline of Ardoch, as follows:— On 3rd October last John Fawside of that Ilk became cautioner in their Lordships' books for Janet Lawsoun, widow of Sir John Edmistoun of Ednem, that she would remove from the place of Ednem and lands of the same, and also take her goods off the meadows thereof and repone the complainers therein, except the particular farms of which she was in possession before the riot committed by her against them, and that within six days after the date of the act of caution under a penalty of 3000 merks. Nevertheless upon the said 3rd of October the said Dame Janet directed her brother-in-law, Mr. William Cockeburne, to the town of Ednem, and by her order he commanded the tenants to lead in their corns unteinded and in no wise to permit the complainers or their servants to lead the teinds, nor to furnish carts to them for this purpose, which formerly they were in use to do. Further, the said Mr. William Cockeburne, understanding that the complainers were coming to Ednem to receive possession, "to ludifie and mocke thame sent to Williame Cranstoun in Morestoun, who formerlie possest the saids lands, in thair Fol. 8, a.

Decreta, November 1633-April 1655. Fol. 8, a.

name to come and receave possessioun upoun the morne thereafter, being the fourt day of October, bot that same day he strake aff the lockes of the chamber doore, tooke the same with him, left the doores opin, drave the ladeis goods over ane little burne, and so, as if he had satisfied the said act, tooke instruments that he had offered possessioun to the compleaners, who wer not there to receave the same; bot within a short space thereafter the same wer brought backe agane to the Maynes of Ednem, where they pastoured; and when the compleaners come to receave possessioun the said Mr Williame absented himselfe and departed so as the compleaners could find nane to give thame possessioun, bot found the ladeis goods pastouring upon the ground; and having past throw the ground they found the tennents leading thair cornes unteinded," stating that they did so by order of Mr William Cockeburne

Fol. 8, b.

in the lady's name. Further, the said William Cranstoun having brought his goods and oxen to the lands of Ednem on the said 4th of October to take possession, Alexander Fawside, son to the said lady, George Fortoun, her servant, with a great number of shearers, about three score persons, armed with forkes and great staves, at the said lady's instigation, pursued the said William Cranstoun's servant and goods for their lives with stones and forks, drove them back to the lands of Stitchell and threatened to "fell" them if they came there. The complainers complained to James Cockeburne of Rysla, sheriff of Berwick, and craved redress at his hands, but he replied that "he could not helpe thame, becaus he wes not shireff in that part, and the shearers wer all the ladeis servants." Thereupon the complainers went out of the town and caused the goods to be brought back so as to take possession and see if any responsible person would hinder them, when the said son and servant, seeing this, came, accompanied by the company of shearers foresaid, from the place where they were shearing about a quarter of a mile away, and with swords, staves and stones, pursued them for their lives, wounded several of their servants, and barbarously injured some of the cattle. Thereafter Thomas Broun in Ednem "caused ring the bell of Ednem, and when the ministers wife stayed him he upbraided her with contumelious speeches and thereafter come furth with Williame Dicksoun, younger, Williame Broun, and Charles Robertsoun in Ednem, with others thair complices, and with convocatioun of his Majestis lieges to the nomber of ane hundreth persons boddin with swords, forkes and lang speiris, all of the speciall causing and hounding out of the said Ladie Ednem, and of new sett upon the compleaners, hurt and woundit thair servants, slew ane of thair oxin, hurt the rest with forkes, and drave thame away be the space of ane myle, ever striking thame with thair forkes; and within ane houre thereafter the said Dame Jonet her selfe come to Ednem, and finding her directiouns in the violences foresaids to be satisfied, she allowed of the same." However, to take away all pretexts and excuses, the complainers sent George Stirline to her to ask if she would give them possession and

suffer them to lead the teinds, which she refused, saying that she would do no more than she had done. So she still keeps her goods upon the ground, and discharges the tenants to attend the complainer's courts or pay their rents, whereby she has contraveened the said act. Her cautioner should therefore be decerned to pay the penalty of 3000 merks, and her ladyship and other persons named should be punished for the insolencies foresaid. Charge having been given to the said Dame Janet Lawsoun, John Fawsyde of that Ilk and Alexander Fawsyde, her sons, George Fortoun, his servant, Thomas and William Broun, Charles Robertson and William Dicksoun, younger, and the pursuers not compearing, but Dame Janet Lawsoun being personally present and producing an instrument under the sign and subscription of James Mader, notary, dated at Ednem, 22nd November instant, to the effect that William Broun in Ednem, as procurator for her, went to the two barns of Ednem Maynes called "the peis barn and the oatt barn at nyne houres in the morning or thereby and opened the barn doores," and declared that he was ready to repone Sir William Murrey of Touchadame, Sir Alexander Seatoun of Kilcreuche, Sir John Stirline of Carden, William Stirline of Ardoch and William Cranstoun in Moreistoun to the possession thereof, and was willing to deliver the keys thereof to them, and because none of these persons, nor any one in their name, attended to receive the same, he passed to the personal presence of Marion Seatoun, wife of the said William Cranstoun, who was in the manor place of Ednem for the time, and delivered to her four keys, being the keys of the whole doors, back and fore, of the said barns, which he desired her to receive so that the persons foresaid should enter into possession, and that the said Marion Seatoun took the said keys, therefore the Lords assoilzie the said lady and remanent defenders and also her cautioner from the conclusions of this summons, and declare them free thereof.

Decreta, November 1633-April 1635. Fol. 9, a.

Fol. 9, b.

[In the sederunt here Bining is added.]

Sederunts, November 1629-January 1635. Fol. 112, b.

Order to the Marquis of Huntly to prevent broken men from passing through his bounds.

"A letter to the Marqueis of Huntlie to give order to his bailleis to have a speciall care that no brokin men be suffered to come through his bounds or to find ressett therein, wherein if he be found remisse he to be punished for his connivence and made debtour for the wrong."

Edinburgh, 28th November 1633.

Sederunt—Treasurer; Marquis of Hamilton; Erroll; Murrey; Winton; Perth; Roxburgh; Annerdaill; Lauderdaill; Southesk; Tracquair; Bishop of Dunkeld; Bishop of Dumblane; Lord Lorne; Areskine; Bining; Master of Elphinstoun; Secretary; Clerk Register; Advocate.

Decreta, November 1633-April 1635. Fol. 9, b.

Complaint by Complaint by Alexander Watsoun, burgess of Aberdein, and Margaret

Decreta, November 1633-April 1634. f. 10, a.

Cargill, his spouse, as follows:—On 17th May, 1631, Alexander Irwing in Alter was put to the horn at their instance for not paying to them a debt of £200 and 100 merks of expenses, and he abides most proudly and contemptuously thereat, slighting all legal execution by captions and otherwise, having the assistance and countenance of his friends who dwell round about him. Charge having been given to the said Alexander Irwing, and the pursuer appearing by Alexander Watsoun, merchant burgess of Edinburgh, but not the defender, the Lords ordain letters to be direct to heralds and pursuivants to go and charge the said defender to enter himself in ward within the Castle of Blacknes within fifteen days, under the pain of treason.

Alexander Watson, burgess of Aberdeen, and Margaret Cargill, his spouse, against Alexander Irving in Altyre, who had been put to the horn by the complainers, but still defies the law.

Complaint by John Blacke in Stalfloure and Margaret Miller, his spouse, as follows:—On 31st July last John Wallace, elder of Burnebank, William Wallace, his son, John Kennedie of Barleith, Robert Harper there, and William Quhyte in By . . . (torn) came by way of hamesucken, armed with swords, whingers and other weapons, to the complainer's dwelling house in Stalflour, broke up the doors, sought for him through all the corners of the house, and not finding him, they "cruellie strake and woundit his wife with swords on her face and hands to the effusioun of her blood in great quantitie and left her for dead; lykeas she hes ever since lyin bedfast." They also unlawfully took away a black cow and three sheep belonging to the complainer. The pursuers compearing by John Pitcairne, their procurator, who declared that he passed from that part of the complaint concerning the taking away of the cow and sheep, and the defenders being personally present, and parties and their witnesses having been heard, the Lords assoilzie the defenders, because the witnesses failed to substantiate the complaint. They also ordain the said John Pitcairne to pay ten merks to each of the witnesses.

f. 10, b.

Complaint by John Black in Stalfloure, and his spouse, against John Wallace of Burnbank and others for assault and theft.

f. 11, a.

Complaint by William Drummond, second son to James Drummond of Mylnab, and by the said James as tutor and administrator to him, as follows:—On 10th August last, while the said William, a boy of thirteen years of age, was in the market place of Monzie doing his lawfull business and looking for harm from no man, Donald M°Ewin, son to Donald M°Ewin in Tillibancher, John M°Collein in Druminnerinoch, Donald M°Neill in Wester Abirlednoch, Andrew M°Haish in Comrie, Thomas Toshoche in Monyvaird and John Dow Soir in Clathick, "being putting ane great whinne stone of foure or fyve quarters weight in the publict mercat place, they, at the least one or other of thame, without giving the compleaner ane advertisement, and when he could not flee, kuist the stone at him and strake him therewith in the right side of the head a little abone the eare, dang him dead to the ground, brake his harnpanne with ane great bruising and contusioun of his head and to the great effusioun of his blood, and he wes takin up dead and caried to his fathers, and therefra in ane hors litter to Perth where he hes lyin under

Complaint by William Drummond, second son of James Drummond of Mylnab, against Donald M'Ewan and others for seriously wounding him with a stone.

the cure of Doctour Robertsoun, as he does yitt, in great hazard of his lyfe and to his fathers great charges and expences." The pursuer appearing by the said James Drummond, his father, and the defenders not appearing, the Lords ordain them to be put to the horn and escheat. Decreta, November 1633-April 1635. Fol. 11, a.

Anent the apparelling of the Bishop of Dumblane for Communion in the Chapel of Holyrood.

"The Lords ordains his Majesteis Thesaurar and Master of the Wardrop to give furth of the Wardrope to the Bishop of Dumblane, Deane of the Chappell, suche furniture and apparrelling as is requisite and fitting for celebratioun of the communioun within the said chappell." Sederunts, November 1629-January 1635. Fol. 113, a.

The disorders in the Highlands.

"Continewes the overtures anent the Hielands till Tuisday nixt."

Edinburgh, 3rd December 1633.

Sederunt—Treasurer; Privy Seal, Marquis of Hamilton; Erroll; Murrey; Perth; Roxburgh; Annerdaill; Lauderdaill; Southesk; Tracquair; Lord Lorne; Lord Areskine; Binning; Bishop of Dunkeld; Bishop of Ros; Bishop of Murrey; Secretary; Clerk Register; Advocate. Acta, June 1632-June 1634. Fol. 252, b.

John, Bishop of Moray, admitted into the Council.

"The Lords of Secreit Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie and directed to the saids Lords, and this day presentit unto thame and read in thair audience, receaved and admitted Johne, Bishop of Murrey,[1] to be one of the Privie Counsell of this kingdome and to bruike and injoy all honnours, digniteis, priviledges and immuniteis proper and dew to that place; lykeas the said Bishop of Murrey being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto him in promoving him to that place of dignitie and honnour, he with all dew reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counseller. Follows his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Understanding the abiliteis and sufficiencie of the reverend father in God, the Bishop of Murrey, and his affection to our service we are moved in regarde thairof and for his better encouragement and enabling to doe ws good serwice heerafter to promove and advance him to be one of our Privie Counsell of that our kingdome; thairfoir we doe heereby will and require that, having caused administer unto him the oath accustomed in the like caises, yow admitt him to be a privie counseller, accepting him as one of your nomber, for whiche these presents sall be your warrand. We bid yow farewell, from our Court at Whitehall, 11th of October, 1633."

John, Bishop of Ross, admitted into the Council.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented to the saids Lords and read in thair audience, receaved and admitted Johne,

[1] John Guthrie, after being successively minister at Perth and Edinburgh, had been promoted to the See of Moray in 1623. He was deprived by the Glasgow Assembly of 1638. Keith. *Cat. of Bishops*, p. 152.

Acta, June 1633-June 1634. Fol. 252, b.

Bishop of Rosse,[1] to be one of the Privie Counsell of this kingdome and to bruike and injoy all honnours, digniteis, priviledges and immuniteis proper and dew to that place. Lykeas the said Bishop of Rosse being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto him in promoving him to that place of dignitie and honnour he with all dew reverence on his knees made and gave his solemne oath of alledgeance and of a privie Fo. 253, a. counseller. Followes his Majesteis missive for warrand of the act abone-writtin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. Understanding the abiliteis and sufficiencie of the reverend father in God, the Bishop of Rosse, and his affectioun to our service, we ar moved, in regarde thairof and for his better encouragement and enabling to doe ws good service heerafter to promove and advance him to be one of our Privie Counsell of that our kingdome; therefore we doe heirby will and require that, having administered unto him the oath accustomed in the like caises, yow admitt him to be a privie counseller, accepting him as one of your nomber, for which these presents shall be your warrand. We bid yow fareweill, frome our Court at Whitehall, 11th October, 1633."

Decreta, November 1633-April 1635. Fol. 11, b.

[Sederunt as recorded above.]

Edinburgh, 3rd December 1633.

Complaint by Arthur, Lord Forbes, against Adam Abercrombie of Aldrayne, who has charged the complainer to quit the lands and mains of Harthill, in which the complainer declares that he is heritably infeft.

Complaint by Arthur, Lord Forbes, as follows:—He is heritably infeft in the lands and Mains of Harthill, and the tower and fortalice thereof, and his right and peaceable possession thereof was never questioned until lately that Adam Abircromby of Aldrayne (on account of some particular grudges between him and John Leith, called of Harthill, whom he has at the horn and under charge to render his houses and enter himself in ward) caused charge the complainer and his servants, keepers of the house of Harthill, to render the same, and intends in case of his refusal to enforce the charge by all other legal execution. Now the complainer is both "ignorant and innocent" of the quarrels between the said Adam Abircromby and John Leith, and never liked them, and in his pursuit of John Leith, Abercromby ought not to have involved the complainer, whom not only he has thereby injured, but he has also abused Fol. 12, a. their Lordships. Still, for obedience of the charge, he has found caution in 3000 merks that he will deliver the house if their Lordships find he ought so to do. He therefore craves suspension of the charge. The pursuer compearing by George Stewart, his procurator, and Adam Abircromby being personally present, the Lords, after hearing parties, find no reason for granting suspension; and they further ordain that execution

[1] John Maxwell had been appointed to the See of Ross during Charles's visit to Scotland. His predecessor, Patrick Lindsay, was translated to the Archbishopric of Glasgow. Keith, p. 202.

proceed against the said Lord Forbes, if he be in possession of the house of Harthill, for rendering it to the Sheriff of Aberdein, unto whom their Lordships have given a commission for taking it. Decreta, November 1633-April 1635. Fol. 12, a.

Commission to the Sheriff of Aberdeen for taking the house and lands of Harthill till its ownership be legally decided.

"A commissioun to the Shireff of Aberdein for taking the hous of Harthill and keeping of the same upon the rents of the lands of Harthill till it be decyded before the judge ordinar to whome it apperteanes; charging the lieges to concurre and assist the said shireff in taking and keeping of the said hous." Sederunts, November 1629-January 1635. Fol. 113, a.

Edinburgh, 5th December 1633.

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Erroll; Roxburgh; Perth; Galloway; Annerdaill; Southesk; Dumfreis; Tracquair; Lorne; Bining; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Secretary; Clerk Register; Advocate; Sir James Baillie. Decreta, November 1633-April 1635. Fol. 12, a.

Complaint by Mr. James Spence, minister at Tulliallan, his spouse and daughter, against Sir John Blackadder of Tulliallan, for assault and for removing the said minister's ploughs from his glebe.

Complaint by Mr. James Spence, minister at Tulliallane, Christian Bonar, his spouse, and Christian Spence, his daughter, as follows:—"Sir Johne Blacader of Tulliallane, forgetting that respect and obligement quhilk he oweth to the said minister as his ordinarie pastor, hes resolved in contempt of law so farre as in him lyes to wracke and undoe him and his poore familie." Accordingly, on 4th April last, he came to the complainer's glebe and farm lands adjacent, which the minister had already tilled, and removing the minister's ploughs "caused streik three or foure of his awne plewes upon the said ministers teilled lands." When the minister's wife and daughter then went forth to intreat him to desist from so violently oppressing his own pastor, Sir John "shamefullie and cruellie with ane pycked stalffe strake, hurt and woundit him [*sic*] upon the headis, gardeis and shoulders, and others parts of thair bodeis, and gave thame manie bauche and blae straikes till he brake the stalffe upon thame; and thereafter verie barbarouslie with his hands and feit he strake, hurt and woundit the saids twa women, and rave the said Christiane Bonars ruffe in peeces frome her craig." The said Mr. James Spence and his wife appearing for themselves and their daughter, but the said Laird of Tulliallane not compearing, the Lords ordain him to be put to the horn and escheat. Fol. 12, b.

The Earl of Rothes and the warding of Patrick Halket of Lumphinnans.

This day having been assigned to John, Earl of Rothes, to appear and state his objections to Patrick Halket of Lumfynnance being set at liberty, and the said Patrick Halket appearing but not the Earl of Rothes, the Lords continue the matter until the 10th instant, and ordain Mr. David Aittoun, who formerly appeared in the said Earl's name, to pay for the entertainment of the said Patrick his modified allowance of 8s. daily.

Supplication by the bailies of Hamilton for powers to continue the toll on the

Supplication by the bailies of the town of Hamilton as follows:—In the month of June, 1616, they represented to their Lordships the necessity of repairing and maintaining the bridge of Bothwell over the water of Clyde, "whiche wes in perrell of decaying through the great Fol. 13, a.

Decreta, November 1633-April 1635. Fol. 13, a.

innundatioun of waters, floods and parts of yce quhilks brake and came doun the water in the winter seasoun and by the violence and force of the same shooke and made louse the pillars thairof"; and their Lordships then empowered them to collect a toll of 2d. for every load and 1d. for every burden of all victual, goods and merchandise passing over the said bridge for the space of nine [*sic*] years from the date of their commission which was 11th June, 1616, and to apply the same for the repair and upkeep of the bridge. The necessitie of repair continues with the recurrence of the above causes, and they therefore crave a continuance of their foresaid commission. The Lords renew the commission in the same terms for the space of nineteen years.

Bridge of Bothwell.

Fol. 13, b.

This day being appointed for hearing Andrew Purves, merchant burgess of Edinburgh, and George Scot, younger, also merchant burgess there, commissioners nominated by Mr. John Paip, younger, advocate, as procurator for George Arnot, merchant burgess of Edinburgh, and Mr. David Heriot, advocate, as procurator for George Scot, skipper in Dysert, as to the allowance to be made for daily wages to Thomas Miller, merchant in Leith, for his fifteen months' attendance upon the wines and aquavitie which was embarked at Nants in Britaigne and brought to Leith in a ship of Hamborrow called *The Quhyte Swan*, and as to the two last articles of his accounts, viz., (1) £300 paid out in defence of Jacob Jansoun, and (2) the costs of procuring the licence from his Majesty "for reserving the goods apprehended and reteaning of the same in the first end of the said George Arnot and his partners thair losses susteanned be thame"; and George Arnot compearing personally along with his procurator, the said Mr. John Paip, the latter produced a report signed by the said Andrew Purves and George Scot. The foresaid George Scot also appearing with his procurator, Mr. David Heriot, and Thomas Miller also being present, the Lords, after hearing the report and parties thereon, allow of the same in so far as regards the daily allowance to be paid to the said Thomas Miller; and remit the two last articles of his account abovementioned to the decision of the Lords of Council and Session. They further ordain the said report to be recorded in the Books of Privy Council, which is accordingly done as follows:—"Be it knowne that we Andro Purves and George Scot, merchant burgesses of Edinburgh, undersubscryvers, having according to your Lordships Act seene and considderit the three particulars therein conteanit, the one tuicheing Thomas Miller his daylie allowance for his attendance upon the wynes conteanit in the said act, the secund anent the compt givin in of the soume of 300 li. debursed be George Arnot in defence of Jacob Jansoun his persutes for restitutioun thairof, the thrid anent the soume of sax thowsand foure hundreth merkis givin out be the said George to procure libertie frome his Majestie to reteane the saids wynes in the first end of thair losses susteanned be thame of the Hamburrers; after consideration takin be us of the saids three particulars we declare that

Fol. 14, a.

Anent the allowance to Thomas Miller, merchant, for his superintendence of the wines and aquavitæ brought from Nantes to Leith.

See *ante*, p. 144.

according to our judgement the allowance for the said Thomas Miller daylie his attendance upon the saids wynes be the space of fyftene moneths conteanit in the said act sould be twentie shillings. And as to the other twa particulars abonespecifeit, declares that we can nowayes judge thereupon, thay being twa particulars gevin in be the said George Arnot quhilk he declares he hes gevin out in maner foresaid. Quhilk declaration we testifie to be of veritie be thir presents subscryved with our hands at Edinburgh the thrid day of December j^{m}vj^{c} and threttie three yeeres. *Sic subscribitur*, A. Purves; Geo. Scott." Decreta, November 1633-April 1635. Fol. 14, a.

Complaint by John, Earl of Annandale, and John Henderson, his bailie, against James Maxwell of Castlemilk and others for assault on the said bailie while leading the teinds of the said James Maxwell—the said Earl being tacksman of Maxwell's lands.

Complaint by John, Earl of Annerdaill, John Henderson, his bailie, and Sir Thomas Hope of Craighall, King's Advocate, for his Majesty's interest, as follows:—Though the wearing of hagbuts and pistols is prohibited, yet, when the said Earl of Anperdaill, as tacksman of the teinds of the lands of John Maxwell of Castlemilk, directed his said bailie thither in the time of the last harvest to require the teind sheaves or else the value of the same from the tenants, and the first tenant he came to having declared his willingness that the said bailie should lead the teinds, and the bailie accordingly having led two or three cartfuls of them, John Maxwell of Castlemilk on hearing this, not only stopped the said bailie from proceeding, but, accompanied by William Irwing, son to the Goodman of Bonshaw, armed with swords, hagbuts and pistols, lay in wait for the said bailie who they had learned was coming from Graitney with some of his master's money. Having passed a considerable time in "ane oastler hous in the hie way," they came forth and followed the said bailie for half a mile to the house of Alexander Rae, and entering it they "patt violent hands in the said bailleis person, the said Johne with fearefull execrations crying unto him 'Thow ar ane priests sone; thow led my teinds; the preist is not heir with his gowne to save thee. Thow must now wait my leasure till we trye we.' And than he and the said Williame held the points of thair drawn swords to the said bailleis bellie. And he having asked whether it wes in earnest, he with ane great oath bade the baillie take it as he fand it. Who having replyed that it wes ane shame to thame, being foure, to sett upon him, who wes ane single man, the said Johne replyed, 'I have now my tyme, take thow thyne when thow can gett it. I will lett the see my pistolls, come butt I have bullets in my pocket'; and with that sent for his powlder horne and charged thame, and said to the said baillie, 'Jonas, will goe furth with me and we sall try our selffes.' And when the goodman of the hous spake but one word in favours of the said baillie the said Johne pulled up ane stap and kust at his face so as he behoved to leave his awne hous. And after this forme they keeped the said baillie be the space of three houres untill with the helpe of some weomen he escaped and lap on horsbacke." Charge having been given to the said John Maxwell and William Irwing to appear this day, and the pursuers Fol. 14, b. Fol. 15, a.

Decreta, November 1633-December 1635. Fol. 15, a.

appearing but not the defenders, certain witnesses produced by the pursuers were examined, whereupon the Lords find that the said John Maxwell of Castlemilk and William Irwing "come to the said Alexander Raes hous, where the said Johne Rae [*sic*] wes the tyme libellit, and sat doun either of thame on the said Johne Hendersons side and would not suffer him to rise, till the said William Irwing layed down ane drawin sword apon ane boord and the said Johne Maxwell tooke the same and wagged the same above the said Johne Hendersons head, held the plummett to his breast, and when the said Johne demanded if he wes in earnest the said Johne Maxwell bade him tak it as he fand it; and that the said Johne Maxwell had ane pistolet." For this "verie great insolence" the Lords ordain them to be charged to enter into ward within the tolbooth of Edinburgh within six days until order be taken with them.

Complaint by the Earl of Annandale against William Bell in Blacket-house for taking a cow from one of his bailies.

Complaint by John, Earl of Annerdaill, and Sir Thomas Hope of Craighall, King's Advocate, for his Majesty's interest, as follows:—The said Earl is entitled to uplift thirty-two marts or ky out of the thirty-two parishes of the Stewartry of Annerdaill, and has peaceably exercised this right of uplifting the same out of anie market of every one of the said parishes. Accordingly, on 18th October last, he sent his bailies to take a cow out of each of the parishes, and on that day they took one out of each of five parishes, of which one was from the lands of Blakedhous within the parish of Pennersex, and they drove the said five cows from eight o'clock in the morning till five in the afternoon when they came to Egilphichin, where they intended to rest for the night, and next day to go through the remainder of the parishes. But William Bell in Blakedhous, and . . . Bell, his son, getting notice hereof, came to Egilphichin about twelve o'clock, "thinking to have found the said Erles servants and the ky there, rypped the houses of the toun for the kow quhilk wes tane out of Blakedhous, and understanding that they wer not come there as yitt they derned thameselffes about the entrie of the toun, and when the said Erles servants preast to enter, they violentlie reft the kow from thame, and the said Williame drew his sword and threatned to hoghe thame if they cryed or hindered thame to carry away the kow. And they, having cryed that the said Williame had committed ane manifest oppression upon thame, the said Williame proudlie ansuered that he vowed the same and that he had beene before his Majesteis Counsell before." Charge having been given to the said William Bell, and the pursuers and he compearing, he confessed the taking away of the cow and placed himself in the said Earl's will for the same. He also bound himself and became cautioner for his said son under a penalty of 300 merks not again to impede the Earl of Annerdaill's servants in uplifting the said laidner mart or cow from the lands of Blackedhous.

Fol. 15, b.

Fol. 16, a.

Complaint by Elspeth Scot, widow of

Complaint by Elspet Scot, the poor widow of Walter Chisholme, son

Walter Chisholm, against William Dalziel, servitor to the Earl of Queensberry, whom she accuses of illegally holding the Mains of Chisholm, which lawfully belong to the complainer.

and apparent heir of the deceased Walter Chisholme of that Ilk, as follows:—By her contract of marriage with the said deceased Walter Chisholme the Mains of Chisholme were disponed to her in liferent with the mill, mill lands and pertinents thereof, in recompense of her tocher, yet William Dalyell, servitor to the Earl of Queinsberrie, of whom the lands are held, under pretext of a pretended right granted to him by her husband, has intruded himself therein, and detains from her now for many years both the lands and their profits, so that she and her children are reduced to great misery and are like to starve. She petitioned the King when he was lately in Scotland, who recommended her case to the consideration of their Lordships. Charge having been given to the said William Dalyell to compear and produce his titles, and both pursuer and defender compearing, the Lords, after hearing them, refer the matter to the decision of the Lords of Council and Session.

Decreta, November 1633-April 1635. Fol. 16, a.

Obligation by George Leith of Barns not to intercommune with John Leith of Harthill.

This day George Leith of Barns, compearing personally for obedience of the act whereby Alexander Forbes of . . . became cautioner for him to that effect, obliged himself at no time hereafter to intercommune with John Leith of Harthill during the time of his rebellion, under the penalty of 500 merks.

Fol. 16, b.

Supplication for protection by Robert Livingstone, merchant burgess of Edinburgh, that he may meet his creditors.

Supplication by Robert Livingstoun, merchant burgess of Edinburgh, as follows:—Their Lordships know how heavily he is distressed for the debts of the Laird of Donypace, which moved the King to sign a protection in his favour in May 1632 for the space of two years, but which for some reasons was stopped by their Lordships. Now the Laird of Lawrestoun, who has the right of the estate of the said Laird of Donypace, has for the second time summoned the supplicant and other creditors of the Laird of Donypace before the Lords of Session to see order taken for selling the said estate for their relief, but in regard of some hornings under which he lies he dare not appear, and therefore craves their Lordships' protection. This the Lords grant until the term of Whitsunday next.

[Sederunt as above with the addition of Areskine.]

Sederunts, November 1629-January 1635. Fol. 133, a.

Salt and coal owners.

"The Lords continewes the awners of the coale and salt till a new advertisement."

Edinburgh, 10th December 1633.

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Erroll; Roxburgh; Galloway; Southesk; Tracquair; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Areskine; Bining; Secretary; Clerk Register; Advocate.

Acta, June 1632-June 1634. Fol. 253, a.

The Council continues its recommendation for a subscription

"Forsameekle as the Lords of Secreit Counsell, having past and exped letters of recommendatioun to Mr Johne Rattray, minister at Rattray, for collecting ane voluntarie contribution and support for bigging of the

[illegible] June [illegible] June [illegible] [illegible] 253, a.

bridge of Erigh frome the whole estaits both spirituall and temporall within this kingdome beyond the water of Tay and within the whole shirefdome of Perth and stewartrie of Stratherne, and from the haill synods, presbytereis, sessiouns of kirks, burrowes, touns and villages and all his Majesteis subjects als weill to burgh as land within the said bounds, as the saids letters of recommendatioun and prorogatioun thairof at lenth beiris; and whereas the said Mr Johne hes advanced great soumes of money upon the bigging of the said bridge, whilk is now brought to ane good perfectioun and made passable for men and hors to the great confort of his Majesteis lieges repairing that way; and seing the said bridge is not yett fullie perfytted and the said minister hes not gotten releefe of his advancements thairfoir and for the fordering of so good and pious ane worke, the Lords of Secreit Counsell hes of new prorogat and continewed and be the tennour heirof prorogats and continewes the letters of recommendatioun foresaid grantit to the said Mr Johne Rattray for collecting the said voluntarie contributioun within the whole bounds abonewrittin till the terme of Martimes nixt after the dait heirof in all and sindrie points, clausses and articles conteanit in the saids letters of recommendation and former prorogation of the same."

towards the completion of a bridge over the Ericht.

[illegible] 253, b.

"The Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to putt Agnes Sparke to libertie and fredome furth of thair tolbuith and suffer her pas where she please in so farre as she is warded within the same for a peece of his majesteis silver plaitt wherewith she was deprehended and quhilk she affirmes she receaved frome one of James Fentons servants; quhereanent thir presents sall be unto the saids provest and bailleis a sufficient warrand."

Order to the magistrates of Edinburgh for the release of Agnes Spark from their Tolbooth.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 17, a.

[Sederunt as recorded above.]

Edinburgh, 10th December 1633.

Complaint by John Toshe, prisoner in the tolbooth of Edinbugh, as follows:—Their Lordships know how that for the past three years he has been in this prison in great misery and want, and though he is kept there at the instance of the Marquis of Huntlie, whom their Lordships ordained to pay his charges and expenses, yet both he and Mr. James Farquharsone, his agent, refuse to do so; and now, as those who have furnished him with necessaries decline any longer to do so, he is likely to starve with hunger and cold. Charge having been given to the said Mr. James Farquharsone, and the pursuer and he both compearing, the Lords ordain Mr. James Farquharsone to pay the arrears of the pursuer's allowance, and that a letter be written to the Marquis of Huntlie to take order for payment of the said allowance for the time past and to come, and to fix a day for the prosecution of the pursuer and certify the Counsell thereof. They also ordain the said Mr. James Farquharsone to report the Marquis's answer to them within twenty days.

Complaint by John Toshe, prisoner in the Tolbooth of Edinburgh, against the Marquis of Huntly, who refuses to pay the charges of the complainer, though it is at his instance that the complainer is in ward.

Complaint by Katherine Murray, daughter of Captain David Murray, against William Cuthbertson, burgess of the Canongate, and of George Kincaid, merchant, at whose instance she is in ward, that they have not paid her charges.

Complaint by Katherine Murrey, daughter of Captain David Murrey, sometime Captain of His Majesty's ship called *The Unicorne*, as follows:— She has been warded in the tolbooth of the Cannogait for "five quarters of ane yeere bygane at the instance of Williame Cuthbertsoun, burgess of the Cannogait, for the soum of threttie foure punds principall and aucht punds of expenses," which had been assigned to him by Barbara Dowglas; and at the instance of George Kincaid, merchant, for £200 of principal and £40 of expenses. These persons have not paid for her support in ward, but the "keepers of the hous hes advanced her in hope of payment and her father who remaines at Londoun, and others her freinds, whome she hes imployed, miskens her, so as she is forced now to meane her selfe to the saids Lords least she starve, seing the keepers of the hous will advance her no more." William Cuthbertson compearing, and consenting to her liberation so far as she is warded at his instance, but George Kincaid not compearing, and the said Katherine Murrey being personally present, having been produced by Mr. James Wilkie and James Simson, bailies in the Cannogait, the Lords ordain them to put her to liberty in respect of the consent of William Cuthbertson, but yet without prejudice of any lawful action which the said George Kincaid may have against her upon his return to the kingdom. Decreta, November 1633-April 1635. Fol. 17, b.

Complaint by Barbara Douglas against William Cuthbertson, cordwainer in the Canongate, for illegal warding.

Complaint by Barbara Dowglas, as follows:—On 25th November last, William Cuthbertsoun, cordiner in the Cannogait, and some of the officers of the Cannogait, apprehended her in the house of Ninian Barns there and without any warrant or authority "harled her to the tolbuith thairof." The complainer compearing, being brought by the bailies of the Cannogait, and the said William Cuthbertsoun also compearing, and both having been heard, the Lords assigns to the defender this day eight days to recover decree against the pursuer proving her his debtor, and ordains the pursuer to be kept in ward meanwhile in the tolbooth of Edinburgh, two shillings daily being paid to her for her entertainment by the defender. Fol. 18, a.

Supplication by Edward Johnstone, merchant burgess of Edinburgh, for continuance of his protection that he may satisfy his creditors.

Supplication by Edward Johnstoun, merchant burgess of Edinburgh, as follows:—On his petition to their Lordships showing that he had come home to this his native country to gather in his debts for satisfying his creditors and providing some support for himself in his old age, they granted him a protection until 17th December. He is still very busy in this business and craves an extension of the time. This the Lords grant till 10th January next.

Supplication by Robert Crichton in Carne for protection that he may appear at his trial on the charge of stealing thirty sheep.

Supplication by Robert Crichtoun in Carne, as follows:—Archibald Patersoun in Carne out of pure malice has caused charge him to find caution in the Books of Adjournal to compear before the Justice and his deputes on 18th December instant to underlie the law for the alleged stealing, resetting and concealing of thirty sheep, and he has found caution and is resolved to keep the diet, but on account of some civil hornings, he cannot appear without a protection. He craves accordingly; and the Fol. 18, b.

Lords grant him their protection for four days after [*sic*] the said 18th of December, "and for the space of foure dayes thereafter."

Complaint by Katherine Maxwell, widow of John Ramsay, one of his Majesty's trumpeters, as follows;—In May last John, Earl of Tracquair, came to her lodging in the Cannogait and commanded her to keep it for his Majesty's use for the sum of 800 merks, which accordingly she did. Thereafter, when his Majesty came to Scotland, John Acheson, harbinger, came to her at the direction of the said Earl, with some of the keepers of his Majesty's robes, the clerk of the spicery, several officers of the "foulding-hous," the sergeant clowes his Majesty's "laidner" and some others their servants, to the number of sixty men, "as thair tickets left be thame recommending the compleaner to the said Erle for payment of the said soume beiris." After the King's going to England she went to the said Earl "at the greenecloath requeisting him to pay her the said soume, who refuised to doe the same in regarde the compleaner could not show him his hand writt heerupon." Charge having been given to the said Earl, and both he and the complainer appearing personally and having been heard, the Lords assoilzie the said Earl from the foresaid complaint and all points thereof, because they, "having demanded of the said Katharine if she could produce anie verificatioun quhairby to prove that the said Erle of Tracquair tooke her loodging and directed his Majesteis servands to the same and promeist her aucht hundreth merkes for the use of the said loodging, she grantit that she had no verificatioun."

Complaint by Katherine Maxwell, widow of John Ramsay, one of his Majesty's trumpeters, against John, Earl of Traquair, for refusing to pay the rent of her house which the said Earl had commanded her to keep for his Majesty's use.

Thomas Crombie of Kemnay, sheriff principal of Aberdein, having been appointed by their Lordships commissioner for taking the oath of verity of Arthur, Lord Forbes, as to his resetting John Leith of Harthill, and to have taken caution of him not to reset him nor intercommune with him during his rebellion, compeared by Adam Abircrombie of Aldrayne, who produced a report subscribed by the said Lord Forbes, the said sheriff, and Mr. Patrick Chalmer, sheriff-clerk of Aberdein, containing the Lord Forbes's declaration upon the matter, which the Lords ordained to be registered in their books. The report here follows. It is dated at the Kirk of Kintor, 22d November, 1633, and narrates that Arthur, Lord Forbes, there and then compeared before Thomas Crombie of Kemnay, sheriff principal of Aberdein, and conform to the commission by the Lords of Council to the said sheriff dated at Halyrudhous, 8th November instant, "did most willingly offer to give his oath," and being sworn he deponed "That he did never in contempt of law recept, supplee nor intercommoun with the said Johne Leith or keepe anie societie or company with him; nather could the said Lord refuise bot he wes forced and urged to speeke and conferre with the said Johne, and suffer and permitt him to come to his hous of Puttachie for taking order with the rents and dewteis of the lands of Harthill dew to Katherine Forbes, Lady Harthill, father sister to the said noble Lord; and that wes the cheefe and onelie caus that moved the said noble Lord to have anie meiting or

Anent Arthur, Lord Forbes, who has been accused of inter-communing with John Leith of Harthill, a rebel at the horn.

conference with the said Johne Leith; nather did the said noble Lord ever concurre and assist the said Johne Leith in anie of his wrangs or perturbatioun of the countrie." Being asked about the special dates given in the commission of his having intercommuned with the rebel, his lordship replied, "That he could not remember himselfe upon anie particular day or tyme and yitt could not refuise bot he had spokin, mett and conferred with the said Johne onelie for taking order with his fathers sisters rents and dewteis and to helpe and supplee her in her great age and necessitie," and that he was never charged by any warrant in particular not to do so. Being required to find caution that he would not hereafter intercommune with the said John Leith under the penalty of 3000 merks, his Lordship declared, "That he wes denuded of his haill estait in favours of his sone and that he wes onelie lyverenter of a verie small and meane portioun thairof, and sua thairby wes not abill to find anie suche cautioun and souertie, nather would anie of his freinds become cautioun for him since he had no estait to releive thame," and yet to testify his obedience he offered willingly to enact himself in the said penalty not to intercommune with the said John Leith during his rebellion. And he earnestly intreated the said shireff to bear testimony of his readiness so to do. Decreta, November 1633-April 1635. Fol. 20, a.

Deposition against the liberation of Patrick Halkett of Lumphinnans by Mr. David Ayton, procurator for the Earl of Rothes.

This day having been assigned to John, Earl of Rothes, to compear and depone against the liberation of Patrick Halkett of Lumfynnance, the said Earl appeared by Mr. David Aittoun, his procurator, and the said Patrick Halkett being personally present, the said procurator in name of the Earl of Rothes adhered to the former modification made to the said Patrick of 8s. daily, and refused to assent to his liberation until he find caution for the indemnity of the said Earl. The Lords likewise modify to the said Patrick 2s. daily for his jailor fee, which is to be paid to him by Mr. David Aittoun in name of the said Earl. Fol. 20, b.

Complaint by John Stewart of Coldingham against Robert Douglas of Blackerston, who refuses to meet the arbitrators whom the complainer and the said Robert Douglas had nominated for the settlement of the dispute between them.

Complaint by John Stewart of Coldinghame, as follows:—When the points in dispute between him and Robert Dowglas of Blaikester anent the accounts of his estate and the putting of the same to the best avail by leasing it to John Home of Rentoun for a yearly rent came before their Lordships on 19th November last, they, judging that the interposition of some neutral friends would be advantageous, appointed John Sinclair (nominated by the complainer) and the Laird of Kilspindie (nominated by Robert Dowglas) to treat thereanent, and continued the matter for eight days. But although he and his friend have been ever ready to meet and do whatever was possible for bringing matters to a good conclusion, Robert Dowglas has shunned all meeting and suffered the matter to desert. Charge having been given to John, Lord Cranstoun, and the said Robert Dowglas, and they compearing, as also the said complainer, who produced to their Lordships sixteen articles not accounted for by the said Robert Dowglas in the account of his intromissions, the Lords, after hearing parties, remits and recommends the Fol. 21, a.

Decreta, November 1633-April 1635. Fol. 21, a.

matter and these sixteen articles to the hearing of the Lords of Session "for tymous and speedie justice." And because, owing to the poverty of the pursuer, he cannot follow out the valuations of the teinds of Coldinghame so that he may dispose thereof for payment of his debts, the Lords think fit that they shall be followed out upon his Majesty's charges, and repayment thereof to be made by the parties concerned.

Sederunta, November 1632-January 1635. Fol. 133, b.

"A missive to the Marqueis of Huntlie concerning Johne Toshe." The Marquis of Huntly and John Toshe.

Edinburgh, 12th December 1633.

Sederunt—Treasurer; Erroll; Galloway; Dumfreis; Southesk; Tracquair; Bishop of Murray; Bishop of Ros; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Binning; Secretary; Clerk Register; Advocate.

Decreta, November 1633-April 1635. Fol. 21, a.

Supplication by Mr. William Hay of Badinspeck and Alexander Gardin of Blackfuird as follows:—They have been charged at the instance of Margaret Leslie, the widow, Agnes, Elspitt, Helen and Violet Leslie, the daughters, William Leslie, the brother, and the remanent kin and friends of the deceased James Leslie, *alias* Robsoun, sometime servant to William Seatoun of Meldrum, to find caution in the Books of Adjournal to appear before the Justice and his deputes in the tolbooth of Edinburgh on 17th December instant and underlie the law for the alleged slaughter of the said James Leslie; and they have found caution so to do and purpose to keep the said diet. "Bot becaus in maters of this kynde tuicheing his Majesteis subjects in thair lyffes and fortouns it is verie hard to hazard thair lyffes upon the unconstant and ignorant voices of ane countrie assise, who ar commounlie chosin be the partie persewer and ar persons for the most part at his devotioun, the saids supplicants thairfoir presoomes humbelie to represent to the saids Lords thair innocencie of that slaughter and the forme, maner and circumstances how the same fell out, to witt:—In the moneth of August last the saids supplicants and Johne Garne, brother to the said Alexander, being at the mercat of Aldrayne, callit S[t] Laurence fair, attending thair lawfull effaires, and the said M[r] Williame perceaving certane oxin in the mercat quhilks wer in commoun betuix the said umquhill James Leslie and William Robertsoun, his partner, the said M[r] Williame entered in termes with thame anent the price of one of the said oxin, and in end they agreed; and the said James having immediately thereafter repented himselfe of the bargane and some altercation having fallen out thereanent, the mater wes brought to the hearing of the baillie who had the charge of the mercat and decerned in the said M[r] Williams favours, decerning the oxe to be his; and so he being possest with the oxe, and having caused carie the same away, the said umquhill James followed, and the said Johne and he rancountering togidder a great way frome the place where the supplicants stood, and some swaggering speeches interchanged betuix thame, they fell in end in persute the one of the other, and the said Johne

Fol. 21, b.

Supplication by Mr. William Hay of Badinspeck and Alexander Gardin of Blackford, who are charged with the slaughter of James Leslie, that they may not be tried by a county assize where they would not receive justice.

being haldin till he gatt three deidlie wounds on the head with a sting, and having freed himselfe of these who held him he gave the said James ane little straike on the head not three inches long, and he lived thereafter, going and walking on his feete the space of dayes. And all the tyme of this conflict the supplicants came never neere thame, had no medleing nor doing with thame and assisted neither partie. Lykeas the said Johne, knowing his awne guiltines of the said slaughter, hes tane the cryme upon him, is fugitive frome the lawes and denunced rebell. And the partie perceaving that they cannot come to thair intent aganis him they have tane thame to the compleaners, who ar innocent men." They crave that their Lordships would appoint some precognitions to be taken locally upon the business. The Lords having heard and considered the supplication, and "considering that precognitions of this kynde ar not usuall nor warrantable be law, and yitt being carefull to be informed of the truthe," ordain the Justice and his deputes, after hearing the parties, to continue the diet if they find cause until 19th December, and to informe their Lordships that day of the state of the process and allegations on either side. Meanwhile they grant their protcction to the supplicants until the 20th December, so that they be not troubled nor arrested before that date.

Decreta, November 1633-April 1635. Fol. 21, b.

Fol. 22, a.

Complaint by John Moffat in Craigenputtock, now in Craiginvoy, against Gilbert Greirson of Chappell, for illegal apprehension.

Complaint by John Moffat in Craginputtock now in Craginvoy, as follows:—Gilbert Greirson of Chappell, having procured from Beatrix and Agnes Gordon, the daughters and heirs-portioners of the deceased Roger Gordon of Corse, some right to the lands of Quhyteside, or at least to the arrears of rents thereof since their said father's death, raised a process in their name before the Lords of Session and obtained a decree against the complainer for far greater sums than he and his authors were wont to pay. He further raised letters of horning thereupon but these the complainer legally suspended. Since then on August last the complainer and the said Gilbert came to an agreement whereby the complainer was to pay 700 merks, and of this sum he instantly paid 320 merks to the said Gilbert in name of the said heirs, and promised the rest at last Martinmas upon the said Gilbert obtaining a discharge from the said heirs to him of all liabilities and arrestments in their hands against him. But the said Gilbert, "craftilie resolving to force the compleaner to pay the rest of the soume without procuring the discharge foresaid, he verie unhonestlie raised letters of captioun upon the horning foresaid fra the quhilk the compleaner wes relaxed and quhilk wes lawfullie suspendit, and knowing that he had not the suspensioun upon him bot that it wes in his procurators hands, he accompanied with James Grahame, messenger, upon the sevint of December instant, tooke and apprehended the compleaner upon the calsey of Edinburgh, being ane sickelie, aged man, and when he desired thame ather to send for his relaxation, or suffer him to goe gett the same, they altogidder refuised and harled the honest man to the tolbuith of Edinburgh, where he

Fol. 22, b.

Decreta, V. ember 1633-April 1635. Fol. 22, b.

presentlie remaines." Charge having been given to the said Gilbert Greirsoun, and James Grahame, and to the provost and bailies of Edinburgh to produce the complainer, and the pursuer and James Grahame appearing personally and Greirsoun by James Gibsoun, his procurator, and parties having been heard, the Lords, having seen the suspension referred to, dated 6th May last, find that the camplainer was unlawfully apprehended, and ordain the provost and bailies of Edinburgh to set him at liberty so far as he is warded for the cause abovewritten.

Fol. 23, a.

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Erroll; Roxburgh; Lauderdaill; Dumfreis; Southesk; Tracquair; Bishop of Murray; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Binning; Master of Elphinston; Secretary; Clerk Register; Advocate.

Edinburgh, 17th December 1633.

Complaint by George Scot, skipper, burgess of Dysart, in behalf of his spouse, Margaret Robertson, daughter of the deceased Captain Robertson, against John, Earl of Rothes, and others, who refuse to refund to the complainer a sum which he paid in excess for certain wines and aqua vitæ.

Complaint by George Scot, skipper, burgess of Dysart, as follows:—In an action of suspension pursued by Margaret Robertsoun, his spouse, daughter of the deceased Captain David Robertsoun, and by James Robertsoun, his son, for whom the complainer became cautioner before their Lordships, against John, Earl of Rothes, Andrew Ainslie and George Arnott, burgesses of Edinburgh, for relieving them of a decreet recovered against them by Jacob Jansoun, factor and commissioner for Jacob Galyear, indweller in Nants, Martin Calstuire, merchant in Amsterdam, and Charles de Longue, merchant in Roterdame, anent certain wines and aquavitie specified in the said decreet "and of that rateable part of the distresses and burdeins susteanned be thame," the Lords, on 27th September last, found the letters of horning executed against the complainers "orderlie proceeded" against them for payment of their proportion of the sum of £5376 paid by the said Earl and his partners to the said Jacob Jansoun for the said wines and aquavitie, deducting therefrom the 2500 merkes which were received from Thomas Miller, merchant in Leith, "who intrometted with the saids wynes and dispouned thereupon be the said George Arnot his directioun for the pryce of some of the saids wynes and aquavytie and delyvered be the said Thomas to the [said] Jacob Jansoun as ane part of the wholl totall soume of 5396 [*sic*] punds," and their Lordships declared that if it were found on accounting that the complainer had paid more than the proportion due by the said Captain Robertsoun, he should have repetition from the said George Arnot and his partners. Their Lordships accordingly then ordained Thomas Miller to appear before them on 5th November last and make count and reckoning of his intromissions. On that day, with consent of parties, the case was continued to 14th November, when their Lordships ordered (as narrated *ante* p. 144 and p. 159), which account being seen and considered, it will be evident that the said Thomas has paid for cellar rents and other charges £682 15s.

Fol. 23, a.

Fol. 24, a.

and his daily allowance of 20s. for fifteen months will amount to £450, while he has paid to the said Jacob Jansoun £5396, extending in all to £6528 15s. Now the said Thomas received for wines and aquavitie £5469 19s. 4d. according to his accounts, which being deducted leaves £1058 16s. 8d. due by the whole owners to the said Thomas Miller and George Arnot, and of this sum the complainer's part for three-sixteenths, for which he takes burden for the said James and Margaret Robertsoun, is £60 for each sixteenth, or £199 8s. 6d. in all. Their Lordships ordained the complainer to pay £699 5s. to the said George Arnot, and for this sum he has his acquittance, and so it is evident that he should now receive back from him £499 16s. 6d. But Arnot and his partners will not pay this unless compelled. Parties having been cited, and the pursuer compearing by Mr. David Heriot, his procurator, and the defenders by Mr. John Paip, their procurator, and having been heard, the Lords ordain George Arnot to make payment and restitution to the said George Scot of the said sum of £499 16s. 6d., the said George Scot first finding caution in the books of Privy Council for payment of his part of the said sum and charges with the interest thereof which shall be recovered against him before the judge ordinary. Decreta, November 1633-April 1635. Fol. 24, a. Fol. 24, b.

Complaint by William Watson, servitor to David Haldane, tutor of Gleneagles, and others against James Fotheringham, bailie of Stirling, whom they accuse of permitting the escape of James M'Quiben, who as charged with the slaughter of Michael Watson had been placed in his custody.

Complaint by William Watson, servitor to David Halden, tutor of Glennegeis, Patrick Watson, his brother, and the remanent kin and friends of the deceased Michael Watson in Bogtoun of Reidnocht, as follows:—James McQuiben, *alias* Baron Leitche of Blairquhoill, being a long time at the horn at the instance of the complainers for not appearing before the Justice and his deputes to underlie the law for the slaughter of the said Michael Watson, they raised letters of caption against him and intrusted the execution thereof to William McIlroy, messenger, who apprehended the said James McQuiben on 26th October last within the burgh of Stirline, and delivered him to James Fothringhame, bailie of the said burgh, in the dwelling house of John Howston, cordiner there, charging him by virtue of the said caption to produce his prisoner before His Majesty's Justice, but the said bailie very undutifully suffered the said rebel to escape "to the disappointing of justice and the compleaners heavie greefe and displeasure, who to thair great charges and expences, having tane great panes and travellis anent the apprehending of the said rebell that justice might be ministrat upon him for the said slaughter, ar by the neglect of the said baillie putt frome all hope of his apprehension heerafter." Parties being cited, the said William Watson compeared for himself and the remanent pursuers, and James Fotheringhame also compearing personally, explained "that Johne Howstoun, burges of Stirline, being deidlie hurt upon the heid with ane suddene and racklesse fall and there being no chirurgiane within the burgh of Stirline nor neere about who would undertake to cure him the said David Halden, out of his tendar respect to the hurt man, who lay in hazard and perrell of his lyfe, dealt with the said James McQuiben, who is known to be a skilfull Fol. 25, a.

Decreta, November 1633-April 1635. Fol. 25, a.

chirurgiane, to come to the burgh of Stirline for curing of the said Johne Howstoun, and that the said David promeist to the said James to warrand him and to putt him free away againe." Accordingly James McQuiben came and attended to the said John Howstoun, and then the pursuer caused charge the said bailie to apprehend him, of which notice having been given to the said David Halden, he came to the said bailie and dealt earnestly with him to let the said rebel go, obliging himself to relieve the said bailie of all danger he might incur therethrough; and in consideration of the case he was moved to deliver the said rebel to the said David Halden so that he might attend to the injured man. David Halden, being also present, corroborated what had been said and offered to underlie whatever burden might fall upon the bailie for this cause. The Lords exoner the bailie and relieve him of all danger in this matter on account of the necessity of the case, John Howston's life being in peril, but they ordain David Halden to make offers of assythement to the pursuers at the sight of some discreet persons and according to the ability of the said James McQuiben, and that, should these be refused, both parties appear before their Lordships on the first Council day of March next, when their Lordships will modify the satisfaction to be made for the slaughter of the said Michael Watson as they may judge meet.

Fol. 25, b.

Complaint by Alexander M'Gumphie, tenant to Alexander, Earl of Galloway, against John Gordon and others for carrying forbidden weapons, and for violence done to the goods of the complainer.

Complaint by Alexander McGumphie, tenant to Alexander, Earl of Galloway, the said Earl, his master, for his interest, and Sir Thomas Hope of Craighall, King's Advocate, for his Majesty's interest, as follows:—Notwithstanding that the wearing and bearing of hagbuts and pistols is strictly forbidden, John Gordoun, sometime in Pentraik, tenant to the said Earl in these lands, but removed therefrom at Whitsunday last, when the said Earl and Alexander McGumphie entered to the peaceable possession thereof, on 10th June last, while his Majesty was in this kingdom and "insolent persons sould have forborne thair rashe, foolish and lawlesse actions," accompanied by Thomas Gordoun, his brother, William Campbell in Cannelburne and others to the number of persons, armed with hagbuts, pistols and other weapons, came to the lands of Pentraik and with gavelocks, axes and other instruments brought with them for the purpose, "brake up the haill doores of the houses of the saids lands, tooke the lintells and stanchellis out of the windowes and caried the same away with thame," and sought for the said Alexander McGumphie, threatening to have his life wherever they might find him; and to this end they lie in wait for him in all parts of the country so that he dare not remain but must quit the farm and leave it upon the said Earl's hands. Charge having been given to the said John and Thomas Gordoun and William Campbell, and the pursuers appearing, Sir Thomas Hope personally and the said Earl and his tenant by Thomas Stewart, servitor to the said Earl, but none of the defenders, the Lords ordain the latter to be put to the horn and escheat.

Fol. 26, a.

Complaint by James Alison in Balgonie against Gilbert Geddes in Abernethy for assault.

Complaint by James Aleson in Balgonie as follows:—On 13th October last, being Sunday, he was at sermon at the kirk of Abirnethie, both forenoon and afternoon, and foregathering with Gilbert Geddes in Abirnethie, for whom he is cautioner in certain sums of money, he in a friendly way desired him to relieve him of his engagements. At this the said Gilbert took such offence that "after the afternoones sermon about the gloming he lay at await for the compleaner and er ever he wes awar strake him behind his backe with ane shod padell and swore with manie execrable oathes that he sould never gett out of his hands. Bot the compleaner being with difficultie rescued from him be some people and he tane sworne not to trouble the compleaner anie farder," yet shortly thereafter he came "backe frome his awne hous with the said padell in his hand and derned himselfe in a quyet part of the way, and er ever the compleaner wes awar, as he wes going home to his awne hous, he gave him ane cruell straike with the said padell behind the lug upon the vaine organe, brake the padell upon his head, felde him to the ground to the effusioun of his blood in great quantitie and perrell of his lyfe; since quhilk tyme he hes ever lyin under the cure of chirurgians to his great charges and expences, and is not yitt fullie cured." The pursuer compearing personally, but Gilbert Geddes not compearing, the Lords ordain him to be put to the horn and escheat. Decreta November 1633-April 1635. Fol. 26, a. Fol. 26, b.

Supplication by Barbara Douglas that William Cuthbertson, cordwainer in the Canongate, at whose instance she is warded in the Tolbooth, may be compelled to support her while she is in ward.

Supplication by Barbara Dowglas, as follows:—On Tuesday last she was committed to ward in the tolbooth of Edinburgh at the instance of William Cuthbertson, cordiner in the Cannogait, and for want of maintenance, "being bot ane poore damosell having nather freinds nor moyen, she is lyke to sterve for hunger and cold." Though their Lordships ordered him to pay to her 2s. daily for her support, she has received from him but 4s. in all, "nather will he ken her any farder bot thinkes to caus her sterve for plaine fault and avowes so to doe." The Lords, on considering this petition, ordain the said William Cuthbertson to make payment of the foresaid modification to her every forty-eight hours, wherein if he fail, they ordain the provost and bailies of Edinburgh to liberate the supplicant in so far as she is warded at his instance. Fol. 27, a.

Supplication by Sir Alexander Strachan of Thornton and others that David Barclay of Mathers may receive protection in order to satisfy his creditors.

Supplication by Sir Alexander Strauchane of Thornetoun, Arthur Straton, fiar of that Ilk, John Barclay of Johnestoun, Robert Middletoun of Caldhame, George Barclay of Brigtoun, Robert Barclay of Syde, and Mr. George Law, son of the deceased James, Archbishop of Glasgow, for himself and the heirs and executors of the said Archbishop, all creditors of David Barclay of Mathers, as follows:—The said David is willing to dispone his lands for the satisfaction of his creditors, but his good intention is likely to be frustrated by the rigour of some of his creditors who seek "to take unhonest advantages of him" to his and the supplicants' heavy prejudice; and they therefore crave that their Lordships would grant a protection to the said David. This the Lords do until 20th January next.

Decreta, November 1633-April 1635. Fol. 27, a.

"The like warrand grantit to Fergus Grahame of Blaatwod till the twentie ane day of December instant to the effect he may compeir before the saids Lords in the action persewed aganis him at the instance of the Erle of Annerdaill." Similar protection granted to Fergus Graham of Blaatwood.

Fol. 27, b.

Supplication by James Kennedie of Blairquhan and Josias Stewart of Ravinstoun as follows:—The protection granted to them expires on 1st January next, and during its time they have paid away large sums of money to many of their creditors, and they are now in treaty with some gentlemen for the sale of their lands so that they may satisfy the rest. They therefore crave a continuation of the time. The Lords extend the period of their protection until the last day of January next. Supplication by James Kennedy of Blairwhan and Josias Stewart of Ravenston for continuance of their protection.

"The like prorogatioun grantit to Archibald Stewart, merchant burges of Edinburgh, till the twentie day of Januar nixt." Continuance of protection to Archibald Stewart, merchant burgess in Edinburgh.

Acta, June 1632-June 1634. Fol. 253, b.

Sederunt—Privy Seal; Galloway; Lauderdaill; Dumfreis; Tracquair; Bishop of Murrey; Bishop of Dumblane; Lord Areskine; Lord Binning; Master of Elphinston; Clerk Register; Secretary; Advocate; Sir James Baillie. Edinburgh, 19th December 1633.

"Forsameekle as the Lords of Secreit Counsell, having writtin thair letters to the shireffs of Stirline, Clackmannane, Fyffe, Kinrosher, Renfrew, Argyle, Tarbet, Kincardin, Bamff, Elgine, Forres, Narne, Cromartie, Caithnes, Orkney and Zetland, and to the bailleis of Kyle-regis, Lauderdaill and Cuninghame and to the stewarts of Stratherne and Monteith, to have sent in to the saids Lords ane perfyte roll and list of the whole barons and landed gentlemen within the saids shirefdomes, baillereis and stewartreis respective to the intent that out of these rollis choise might have beene made of suche persons as wer most meit to serve his Majestie and the estait as justices of peace, the saids shireffs, stewarts and bailleis hes slighted and neglected the direction sent unto thame in this mater and hes made no report at all of thair diligence and obedience, to his Majesteis high contempt, hinder of his Majesteis service and hurt of the countrie. Thairfoir the saids Lords ordains letters to be direct charging the shireffs, stewarts and bailleis particularlie abonewrittin, thair deputs and clerkes to compeir personallie before the saids Lords upon the day of Januar nixtocome or ellis to send in to the saids Lords that day ane perfyte list and roll of the haill barons and landed gentlemen within the bounds of thair offices respective to the effect abonewrittin, under the pane of rebellion, etc., with certificatioun etc." Charge to the sheriffs of Renfrew and other shires, who have been ordered to give in lists of persons unsuitable to be justices of peace, and have neglected to do so, either to appear before the Council or to send in the desired list.

Decreta, November 1633-April 1635. Fol. 27, b.

Fol. 28, a.

Complaint by John, Earl of Annerdaill, as follows:—On 13th April last Fergus Grahame of Blaatwod was put to the horn at his instance for not paying a yearly duty of 1100 merks and a termly penalty of 55 merks for certain years specified in the horning, and for nonfulfilment of a contract, but he contemptuously abides at the horn, enjoying his Edinburgh, 19th December 1633. Obligation by John, Earl of Annandale, against Fergus Graham of

Blaatwood, who refuses to pay certain dues to the complainer.

rents and living as if he were an answerable and obedient subject. The said Earl compearing by Thomas Maxwell, his procurator, and the defender being personally present, the Lords, after hearing parties, ordain the defender and all others keepers of his house at Blaatwod to render the same to the herald pursuivant, executor of the letters, and the said Fergus to enter into ward in the Castle of Blackness within six days after being charged thereto, under the pain of treason; but the Lords continue the outgiving of the letters until Candlemas next so that in the meantime the defender may use his best endeavours for giving satisfaction to the Earl of Annerdaill. Decreta, November 1633-April 1635. Fol. 28, a.

Continuance of protection to the above-noted Fergus Graham.

The Lords for the better enabling of Fergus Grahame of Blaatwod to take order for satisfying the claims of the Earl of Annerdaill for some annual rents due by him extend his former protection to 15th February next. Fol. 28, b.

Complaint by David Robeson, bookbinder in Edinburgh, against Manasses Vautrollier, also bookbinder, for illegal caption.

Complaint by David Robesone, bookbinder in Edinburgh, as follows:—"Manasses Voultrolleir, also bookebinder, having to ensnare the compleaner and urge him to serve him threatned and minassed him with ane pretendit captioun sinistrouslie purchast be him aganis the compleaner, and quhilk wes suspendit and the suspension neglected and lost be him; quhairof the said Manasses having knowledge and taking his advantage thairof forced the complainer for feare of imprisonment not onelie to give him satisfaction thairof bot be ane minute of contract or indentour to behind [*sic*] himselfe to his service for sevin moneths tyme after the date of the said minute, whiche is of the xviij day of Marche last; and that same day he gave the compleaner ane generall discharge, as the said minute having speciall relation to the discharge, and the said discharge also will testifie. Conforme to whiche minute and condition the compleaner entered to the said Manasses service, and having trewlie and dewlie served the sevin moneths agreed upon, the said Manasses, to find out some meane to ensnare the compleaner of new in his service, in a familiar conference betuix thame wes advantinglie affirming that in a short space he would beate ane greater nomber of strokes upon a booke than the compleaner knew he was able to doe. Whereunto the compleaner having soberlie ansuered that he could beate als manie strokes upon a booke in als short a tyme as he could, bot that he wes not able to doe what the said Manasses had affirmed, for whiche onelie word the said Manasses than vowed he sould have the compleaner in prison the nixt morning, and according to his promise went and sought furth the caption whiche he had discharged and therewith caused apprehend the compleaner and putt him in closse waird in the tolbuith of Edinburgh where not onelie [he] bot his wife and poore children, who wer interteanned be his service, hes beene and ar redacted to suche miserie that they ar like to sterve." Charge having been given to the said Manasses Vaultroller, and the pursuer compearing, as also the defender with Mr. Alexander Fouller, his procurator, the Lords, after hearing Fol. 29, a.

Decreta, November 1633-April 1635. Fol. 29, a.

parties, ordain the provost and bailies of Edinburgh to liberate the pursuer, in so far as warded on the foregoing cause, he having obliged himself to compear before their Lordships on 9th January next and underlie their pleasure in the matter under the penalty of £100.

Acta, June 1632-June 1634. Fol. 253, b.

Sederunt—Privy Seal; Lauderdaill; Southesk; Tracquair; Melvill; Bishop of Dumblane; Clerk of Register; Advocate; Sir James Baillie. Edinburgh, 9th January 1634.

Two letters from the Marquis of Huntly, one anent the allowance for John Toshe and his trial for the burning of Frendraught, and the other anent the charge of allowing outlaws within his bounds.

Fol. 254, a.

"The whilk day the twa missive letters underwrittin direct be the Marqueis of Huntlie to the Lords of Privie Counsell, the one anent brokin men coming throw his bounds and the other anent his persute of Johne Toshe for the burning of Fendraucht, wer presented to the saids Lords and read in thair audience, of the whilks the tennour followes:— My verie honnorable good Lords, I receaved your lordships letters concerning the tymous payment of Tosheis modified allowance and anent the taking of ane day for his tryell. As to the first, I have alreadie takin suche order as I hope sall give your lordships contentment, whairof Mr James Ferquharsone will informe your lordships in particular. As to the other point, the mater tuiches me so neere that if my health had served me I sould have putt it to tryell er now, bot seing the seasoun of the yeere is not fitting for a man of my age and disease, as I hope your lordships will consider, I intend, God willing, in the spring of the yeere to come over and sett that processe so in order that it may come in the first convenient day of June nixtocome and by Gods grace not to leave it till the finall decision thairof. So to your lordships wise consideration heerin with the remembrance of my dewtifull service to your lordships I rest, your lordships most loving to serve yow, HUNTLYE. Boig, penult Decembris, 1633.—My verie honnorable good Lords, I receaved your lordships letter whereby I perceave your lordships ar informed that I give connivence and is negligent in latting brokin lymmars pas through my bounds and carelesse in taking order therewith. My lords, I am sorie I sould be so expouned to your lordships, for there is none that sall be more willing within the kingdome to suppresse and take order with suche men (according to my power) then I sall be; lykeas it is weill knowin in thir parts what pains I have takin and caused take thir tymes bypast in apprehending and executing some of these brokin men that wer takin in my bounds, for your Lordships knowes what skaith I have latelie receaved be suche men in lossing of my neir freinds and spoylling of my tennents whereby some of my roumes there ar waisted; so I will assure your Lordships I sall not be carelesse heerin, for I have givin speciall command and direction to my bailleis alreadie that no suche brokin men be suffered to haunt or repaire in anie of my bounds as they will be answerable to his Majestie and your Lordships, for there is nane that hes more reason than I have to

regrait the disorder of suche men, whilk I intend to shaw your Lordships at my over coming; and will humbelie intreate your Lordships not to beleeve the misreports of my enemeis heerin till your Lordships heare myselfe who sall ever be most willing in this and in anie other thing quherin I can serve your Lordships to give you contentment, as I sall ever remaine your Lordships most loving to serve yow, HUNTLYE. Boig, 22 December, 1633." Acta, June 1632-June 1634. Fol. 254, a.

Obligation by Mr. James Farquharson, agent of the Marquis of Huntly, to pay John Toshe's allowance so long as he remains in ward.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Mr James Ferquharsone, agent to the Marques of Huntlie, and actit and obleist himself to make payment by himselfe and others to be appointed by him of the modification allowed to Johne Toshoche, and that weekelie, ay and whill the said Johne be brought to his tryell or that the said Mr James be releeved and another deputed be the said Marques of Huntlie for payment of the said weekelie allowance." Fol. 254, b.

Edinburgh, 9th January 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 29, a. Fol. 29, b.

Complaint by Walter Howeson in Fisherrow against Patrick Edmonston of Wolmet and William Scott, bailie of Musselburgh, for illegal warding.

Complaint by Walter Howesoun in the Fisherraw, as follows:—On 17th December last Patrick Edmonstoun of Wolmet and William Scot, bailie of Mussilburgh, came to him on the highway as he was coming from Fisherraw to Edinburgh for his lawful business, "patt violent hands in his person, caried him perforce with thame to the tolbuith of Mussilburgh, where they keeped him be the space of foure days and foure nights, and would not suffer nane to come neere him to furnishe him meate nor drinke," he being his Majesty's free liege, and they having no commission for his apprehension. Parties being cited and all personally compearing, and they and their witnesses having been heard, the Lords find that the pursuer was "unorderlie committed and deteaned in waird not being rebell, upon the naked complaint of the said Patrik Edmonstoun," and they discharge the said bailie "of all summar committing of persons in tyme comming upon the naiked complaint of parteis craving lawborrowes, bot upon letters of captioun proceeding upon thair dissobedience to find lawborrowes," and the Lords further ordain the Laird of Wolmet to pay ten merks to the pursuer for the procuring of his imprisonment.

Complaint by Elizabeth Bathgate, spouse to Alexander Pea, against Sir Patrick Hume of Ayton and Mr. John Hume, minister at Eymouth, for illegally keeping her in ward on a charge of witchcraft.

Complaint by Elizabeth Bathcat, spouse to Alexander Pea, maltman in Eymouth, and her said husband for his interest, as follows:—On some malicious information charging the said Elizabeth with "the odious cryme of witchecraft," Sir Patrick Home of Aittoun and Mr. John Home, minister at Eymouth, without any commission to that effect, apprehended her and carried her to the tolbooth of Dunce, where she is now prisoner, though she is his Majesty's free liege "and ever heeretofore repute, haldin and esteemed by all hir nighbours als honest ane woman as is in that toun." She has offered to find caution to underly her trial, but "she is informed there is no other thing sought be her enemeis and Fol. 30, a

Acta, December 1633-April 1634. Fol. 30, a.

evillwillers who ar conscious to her innocencie, bot onely by long imprisonment to deteane her under that foule imputatioun miserablie in waird." The pursuer appearing by her said husband, and Mr. John Home appearing personally, the Lords, after hearing parties, appoint the 11th of February next for her trial before his Majesty's Justice in the tolbooth of Edinburgh; and they ordain the said Laird of Aittoun to bring and enter her in ward within the tolbooth of Edinburgh before the 31st of January, and the provost and bailies of Edinburgh to receive and keep her there until her trial, and further until she is relieved. They also ordain that a copy of her indictment be given to her at least ten days before the day appointed for her trial so that she may prepare her defence; and they excuse the absence of the Laird of Aittoun in respect of "his notour indisposition and inabilitie to travell in this unseasonable tyme of the yeere."

Fol. 30, b.

Supplication by John Stewart of Coldingham for extension of his protection.

"Supplication by John Steuart of Coldinghame and Francis Steuart, his son, as follows:—The protection granted to them expires on the 10th instant, and as their Lordships know "he is ordained to follow out the valuation of the kirks of Coldinghame before the great Commissioun, and the morne is one of the dyets assigned unto him, and almost everie other sitting day of the Commissioun in this sessioun he hes one dyet or other for valuing some of the kirks of the pryorie of Coldinghame." He therefore craves an extension, and the Lords grant this "till Saturday come eight dayes at night."

Extension of protection to Mr. John Oliphant.

"The like warrand grantit to Mr Johne Oliphant till Saturday come eight dayes aganis anie of his brother Sir James Oliphants debts."

Fol. 31, a.

Manasses Vautrollier, bookbinder, to present himself before the Council anent his dispute with David Robertson, bookbinder. See *ante*, p. 174.

This day having been assigned to David Robertsoun, bookbinder, to appear before their Lordships and underlie their pleasure in the dispute between him and Manasses Vaultroller, bookbinder in Edinburgh, and Robertsoun compearing personally and the said Manasses by Mr Alexander Fouller, his procurator, the Lords, after hearing parties, ordain the said Mr Alexander Fouller to exhibit the said Manasses before them on Tuesday next, the 14th instant, to underlie their pleasure for his "unjust warding of the said David."

Acta, June 1632-June 1634. Fol. 254, b.

Edinburgh, 14th January 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Wintoun; Kingorne; Roxburgh; Annerdaill; Dumfreis; Southesk; Tracquair; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Bining; Secretary; Clerk Register; Advocate; Sir J. Baillie.

Committee anent trade and the fishing.

"The Lords of Secreit Counsell nominats and appoints the Erles of Winton, Roxburgh and Southesk, the Lord Lorne, the Secretar and Sir James Baillie or anie three of thame to conveene and meit with the commissioners for the burrowes and to conferre and reason with thame and to assist thame with thair best advice tuicheing suche things as ar

to be represented be thame to his Majestie concerning the increasse of trade and libertie of fishing." Acta, June 1632-June 1634. Fol. 254, b.

Persons who have failed to give in the inventories of lent money to do so between the 5th of the ensuing February and the close of that month, on pain of abiding the penalties of the law.

"Forsamekle as the termes and dyets appointed be the late act of Parliament for giving up the inventars of the moneyes dew to the lieges of this kingdome and subject in payment of twa of ten is now expired and in a maner the subjects hes slighted the saids dyets and few hes givin up thair inventars bot hes wilfullie incurred the danger of concealement, quhilk is the forefaltour of the haill rent or annuelrent of the moneyes dew to thame ather be band or wodsetts, quhilks wodsetts ar now by decreit and sentence of the Lords of Counsell and Sessioun found and declared to fall within the compas of the said act of Parliament; and whereas his Majesteis officers ar loath to take advantage of the rigour of the law if the lieges will yitt in a dewtifull obedience give up their inventars, thairfoir the Lords of Secreit Counsell hes appointed and assigned and be the tennor of this present act appoints and assignes to the subjects all the dayes betuix the fyft day of Februar nixtocome and the last day thairof for giving up of thair inventars of all borrowed moneyes subject in payment of twa of ten, with certification to all suche person or persons who sall not in dew tyme give up thair inventars of thair borrowed moneyes within the terme foresaid that they sall incurre the penaltie conteanit in the said act of Parliament; to witt, the losse of that termes rent or annelrent whilk they sall conceale and not give up. And whereas these who hes alreadie givin up thair moneyes or who sall heerafter give up the same within the terme and dyet foresaid delayes to make payment of twa of ten answerable to thair borrowed soumes, thairfoir the saids Lords ordains, conforme to the said act of Parliament, that all suche as failyeis to make payment of that whiche is dew to be payed be thame that they sall lykewayes incurre the pane conteanit in the said act; to witt, the payment of the triple of the taxation for eache terme wherein they failyie; and ordains letters to be direct charging officers of armes to pas and make publication heirof be opin proclamation at the mercat croce of Edinburgh and remanent heid burrowes of this kingdome, wherethrow nane pretend ignorance of the same; and to command and charge all shireffs, stewarts, bailleis of baillereis, bailleis of regalities and provests aad bailleis of free burrowes, everie ane of thame within thair awne bounds and jurisdictions, to keep and hold thair courts the dayes foresaids; to witt, fra the fyft to the last of Februar, and to attend with thair clerkes and members of court to the effect foresaid; and to command all his Majesteis lieges who ar lyable in payment of the said taxation to repaire to the saids courts, everie one within thair awne bounds, and give up thair severall inventars and make payment of the said taxation conforme thairto under the panes particularlie abonewrittin, mentiouned and conteanit in the said act of Parliament; to witt, they that failyeis to give up thair inventars to incurre the losse of thair rent or annualrent for the terme of Martimes Fol. 255, a.

last and they that hes alreadye givin up thair inventars or sall give up the same at the termes and dyets foresaids now appointed and sall not make payment of the said twa of ten within twentie dayes after the charge that they sall incurre the triple of the said taxation."

[Sederunt as recorded above adding Lauderdaill and omitting the Treasurer, Kinghorn and Roxburgh.] Edinburgh, 14th January 1634.

Complaint by George Fraser of Outlaw and Giles Chalmers, his spouse, as follows:—Thomas Stewart of Ryland has for long borne them deadly hatred, and "becaus he durst not seeke ane violent and personall revenge aganis the said George, he resolved to wound him and his said spous in thair credite." Accordingly, under the borrowed name of Alexander Stewart, "who wes ane meere ignorant in this bussines, knew nothing thairof, and never gave his consent thereto," he raised criminal letters against them charging them with consulting with the deceased John Philpe, whom (as he alledged) "they knew to be a notorious warlocke and sorcerer, for cureing of the said George of some disease by devilish and unlawfull cures and for seeking of responses from the said umquhill Johne Philpe," and to appear before his Majesty's Justice in the tolbooth of Edinburgh on 21st November last to answer thereto. This citation the complainer obeyed and produced a testimonial of the infirmity of his wife and of her inability to travel at this unseasonable time of the year, and he also produced a certificate under the hand of the said Alexander Stewart, attested by Mr. James Melvill, minister, and other famous witnesses, that this prosecution was instituted by the said Thomas Stewart without the knowledge or consent of the said Alexander. The said Thomas also "most effrontedlie presented himselfe in judgement the day foresaid as informer and assisted at the bar; bot knowing the compleaners innocencie of that pretendit persute he stall frome the same and would not insist, as ane instrument tane thereupon beiris." Now, seeing the said Thomas has most injuriously and calumniously traduced the complainers and done what in him lay to destroy their credit and reputation, and has put them to great expense in drawing the said George by the space of a hundred miles from his own house, while he had still the greater part of his corn to win, he ought to be censured by their Lordships accordingly. The pursuer compearing for himself and his wife, and the defender being also personally present, production was made by George Fraser of the summons aforesaid, of an act of adjournal under the hand of John Bannatyne, clerk-depute of the Justiciary, testifying that the said Thomas Stewart compeared judicially at the bar with William Dowrie, producer of the criminal letters, against the said George Fraser and his spouse, and that the procuratory for producing of the said letters was brought to Edinburgh by the said Thomas Stewart, his

Complaint by George Fraser of Outlaw and Giles Chalmers, his spouse, against Thomas Stewart of Ryland for bringing against them a false charge of witchcraft.

Majesty's Advocate no way compearing in the case to insist against George Fraser and his wife; also that the said George appeared and offered himself to the strictest trial, but refused all manner of continuation, and that his Majesty's Justice, in respect of the non-compearance of his Majesty's Advocate to pursue, ordained the diet to desert and discharged the issuing of any new letters against the said George and his spouse until after Whitsunday next, when, if such were sought, the purchaser must find caution in the Books of Adjournal for reporting the same and insisting in his pursuit under the penalty of £1000; this act of Adjournal bearing date 21st November last. Further, the said George Fraser produced a certificate under the hand of Alexander Anderson, messenger, and several famous witnesses, by whom the summons was executed, that he received the same from the said Thomas Stewart with a roll of the persons who were summoned upon the assize, the summons being obtained at the command and upon the expenses of the said Thomas, dated 6th January instant; and also a certificate signed by the provost, bailies and council of Bamff showing that the complainer and his spouse had resided "during thair houshold-ing within foure or fyve myles to the burgh of Bamff, that they have lived and caried thameselffes honestlie, christianelie and soberlie as become Christians of thair estait and qualitie but scandall or reproache in so far as they could ever learn or try," dated at Bamff, 30th December last; likewise a testimonial under the hand of Mr. James Melvill, minister at Ava, Mr. William Chalmer, minister at Innerbundie, and of the reader of the kirk of Ava in name of the elders thereof, showing that the said George and his wife are "honest and faithfull christians, free not onelie of the odious cryme of witchecraft and sorcerie bot of all other publict crymes and imputations, and that the said George hes beene ane elder of the session of the kirk of Ava the space of xvij yeeres bygane and yitt remaines ane elder of the said kirk as ane man of speciall note within the parish," the said testimonial bearing date at Ava, 14th November last. All which being seen and read by the Lords, and parties having been heard, they find the complaint clearly verified against the said Thomas Stewart, and ordain him to pay as a fine the sum of £100 to the said George, and further, that he be committed to ward within the tolbooth of Edinburgh and there remain upon his own charges until he be relieved by their Lordships.

Decreta, November 1633-April 1635. Fol. 32, a.

Fol. 32, b.

Complaint by Magnus Fraser, sometime in Stanevlea, against Thomas Stewart, fiar of Ryland, for illegal imprisonment.

Complaint by Magnus Fraser, sometime in Stanyley, John Wallace, sheriff officer of Bamff, and Andrew Baird, Alexander Winchester and Patrik Wemes, bailies of Bamff, for their interest, as follows:—Although the apprehending and imprisoning of free persons without a warrant is a crime of dangerous example, yet on 4th June, 1629, or thereby Thomas Stewart, fiar of Ryland, accompanied by a number of lawless men came to the house of the said Magnus Fraser in the "Hie Streit

Fol. 33,

Acts, November 1633–April 1635. Fol. 33. a.

of Bamff, patt violent hands in his person, caried him perforce to the tolbuith of Bamff, and reft the keyes of the tolbuith frome the toun officer and without concurse of the saids bailleis or anie other lawfull warrand whatsomever committed the said Magnus, being his Majesteis free liege, to prison within the said tolbuith, tooke away the keyes of the tolbuith untill the saids bailleis upon notice of this wrong come and releeved him." Further, the said Thomas Stewart accompanied by Archibald Gabriel and others, on 6th March last, came under cloud and silence of night by way of hamesucken to the dwelling house of the said John Wallace in Murihill with the intention of taking his life because that he had refused to deliver up to him some sheriff's precepts with the executions thereof which he had against the said Thomas at the instance of George Fraser of Outlaw and others, and missing the said officer, he in despite cast down his said house upon his wife and family, "leaving no part of the rooffe thairof up, and almost smored thame, and thereby not onelie destroyed the haill plenishing, vivers and other provisioun being in the hous, bot also forced the officers wife and her familie under night to flee naiked for safetie of thair lyffes be the space of ane myle." Parties having been cited, and Magnus Fraser, John Wallace and Thomas Stewart all compearing personally and they and certain witnesses having been heard, the Lords find Thomas Stewart guilty of the illegal apprehension and imprisonment of the said Magnus Fraser, and that the house of John Wallace was "tirred" at his special command and direction, and ordain him to pay 100 merks to each of these persons, and also to pay to each of the witnesses, if a footman 20 merks, and if a horseman £20; and further to be committed to ward within the tolbooth of Edinburgh until he make these payments and is relieved by the Council.

Fol. 33. b.

Fol. 34. a.

Complaint by Alexander M'Lean, now in Carisdouche, and Andrew M'Lunquha in Dowis against Patrick Agnew of Barmaill and others for assault.

Complaint by Alexander M°Claine, sometime in Barvennack, and now in Carisdouche, and Andrew M°Lunquha in Dowis, as follows:—On May last Patrick Agnew of Barmaill, John M°Crochert there, John M°Keithie there, Fergus Lilburne in Mekle Berintrae and John M°Carnuk in Mowres, with others their accomplices, armed with swords, staves and other invasive weapons, came to the lands of Barvennack, sought for the said Alexander M°Claine to have taken his life, but missing him, "they medled with fyve of his sheepe, wirred sevin of the same and hurt and woundit ane great nomber of his bestiall." They then lay in wait for the said Alexander, and on his coming home to his own house, "er evèr he wes awar they gave him manie bauche, blae and bloodie straikes with rungs upon the head and others parts of his bodie to the effusion of his blood, felde him to the ground, pulled furth his sword and threatned to kill him if ever he revealed this wrong; and becaus he would not promise to doe the same they gave him a nomber of wounds with thair saids rungs upon the head and left him for dead." Further, on September last the said Patrick Agnew "shamefullie and

cruellie persewed the said Androw McLunquha neere to his awne hous, being ane aged man, reft his cloake frome him, pulled off his breekes, doublet coate and shoes, tooke his purse and twentie punds therein frome him, hurt and woundit him with rungs and others weapons upon the head and others parts of his bodie to the effusioun of his blood and perrell of his lyfe, thereafter kuist him in ane peitt pott where he had miserablie drowned if his wife had not happilie come furth and rescued him." Charge having been given to the said Patrick Agnew, John McCrotchert, John McKeathie, Fergus Lilburne and John McCarnuck, and the pursuers compearing personally, but not the defenders, the Lords, after hearing witnesses, find that the said Patrick Agnew, "hurt and woundit the said Alexander McClaine the tyme libellit and left him lying bleeding on the ground," and that the said Patrick "strake the said Androw McLunquha the tyme libellit, tirred him and kuist him in ane peitt pott," and therefore they ordain the whole defenders to be charged to enter in ward within the tolbooth of Edinburgh until order be taken with them for their insolence, on pain of horning. The Lords further ordain the pursuers equally between them to pay the witnesses, to each footman £10, and to each horseman 20 merks.

Decreta, November 1633-April 1635. Fol. 34, a.

Fol. 34, b.

David Robertson, bookbinder in Edinburgh, warded in the Tolbooth at the instance of Manasses Vaultrollier, bookbinder, to be freed from his ward. See *ante*, p. 177.

This day having been assigned to Mr. Alexander Fouller for exhibiting Manasses Vaultroller, bookbinder in Edinburgh, before the Council, to underlie their pleasure for his unlawfully imprisoning David Robertsoun, bookbinder in Edinburgh, within the tolbooth thereof, and David Robertsoun compearing by Bessie Ramsay, his wife, but the said Manasses Vaultroller not compearing, the Lords ordain the provost and bailies of Edinburgh to put the said David to liberty, and that notwithstanding of any arrestments made upon him since 19th December last, as the date on which he was ordained to be put to liberty.

Fol. 35, a.

Edinburgh, 16th January 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Wintoun; Kingorne; Roxburgh; Annerdaill; Dumfreis; Southesk; Tracquair; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Lord Bining; Secretary; Clerk Register; Advocate; Sir James Baillie.

Supplication by John Cumming of Kirktoun for protection that he may attend to certain legal proceedings in which he is interested.

Supplication by John Cuming of Kirktoun of Aberlemmo, as follows:—He has an action of reduction and another of spuilzie depending before the Lords of Session against Robert Rollock of Bulgarro, on the success of which his whole standing and estate are involved and certain points of evidence have been referred to his oath. But Rollock, taking advantage of his distresses, has raised letters of caption against him to debar him from attending and giving his oath and so to frustrate him of justice; and though the debts for which he has raised these letters are satisfied, he instigates his other creditors to deal rigorously with him. He therefore craves their Lordships' protection; and this the Lords grant until the last day of March next.

Fol. 35, b.

Decreta, November 1633-April 1635. Fol. 35, b.

"The like warrand grantit to Edward Johnestoun untill the said last of Marche; and another grantit to Johne Stewart of Coldinghame for attending the valuatioun of the kirks of Coldinghame untill the first of May nixt." Similar protection to Edward Johnston and John Stewart of Coldingham.

Supplication by John Talbert in Poofald and Agnes Forsythe, his spouse, as follows:—The said Agnes bought from one William Ogilvie, who has been a beggar in the country these thirty years past, two ells and a half of gray cloth, which was afterwards proved to have been stolen by Ogilvie from the deceased David George in Grange. After the theft David George had made search for Ogilvie, and when he found him, took him towards the said Agnes's house for the recovery of the cloth, but on the way Ogilvie "killed and murdered the said David George and kuist him in a peit mosse where he lay two dayes before anie notice wes had where he wes or what had befallin him." When he Fol. 36, a. was found, "and the brute rysing that he and the said Williame Ogilvie wer comming to the supplicants hous to have gottin backe the cloath, James, Lord Desfurde, baillie principall of the regalitie of Strathyla, and Thomas Inneis, his depute," challenged the said Agnes and her spouse as guilty not only of stealing the said cloth, but also of the aforesaid murder, and cited them to answer before them thereupon on 8th January instant. They then in respect of their non-compearance pronounced them fugitives and rebels, although at that time and for divers weeks and days before "the said Johne wes so heavilie diseased with ane contagious sickenesse and fluxe as there wes no possibilitie for him to keepe that dyet," of which two certificates were at that time produced; and Patrick Wilsoun, procurator fiscal of that court, who as such compeared and prosecuted the said John, himself declared in judgment that on account of his sickness it was not possible for the supplicant to attend. Further the said supplicant and his spouse were charged for the same murder and theft before the Sheriff of Bamff and his deputes; but this notwithstanding, the said bailie and his deputes proceeded against him and most unjustly convicted him of the said theft and murder; and also maliciously so, for the following reasons:—(1) The said bailie depute, who was the supplicants' judge, was in debt to the supplicant 400 merks of which he could obtain no payment, and he purposely moved this prosecution and conviction against the supplicant so that he might, as bailie of the regality, obtain his escheat. (2) The said bailie and his deputes are no proper judges of the crime of murder, "quhilk is a point of the Crowne and perteanes onelie to his Majesteis Justice Generall; nather could they be judges to slaughter bot in *recenti facto* where the partie is takin with hote blood within 24 houres, and this wes twentie dayes after the fact. (3) The resetter of thift cannot be callit nor convict till the principall theefe, who is fugitive, be discust and convict, for be the law complices in a cryme cannot be accused before the principall malefactor, quhilk is daylie practised before his Majesteis Justice." Supplication by John Talbert in Poofald and Agnes Forsythe, his spouse, for a fair trial anent the charge of robbing and slaughtering David George in Grange.

Thus their Lordships may see how partial, informal and malicious are the proceedings of the said judges against the supplicant, "who is ane honest man of good report, being past three score fyfteene yeeres of age, and during all this tyme he hes caried himselfe without rebooke or scandall in any wise." They thus hope to appropriate the supplicant's whole estate "to the wracke of him and his poore familie now in his aged and latter dayes." He had complained to the Lords of Counsell and Session, who referred him to the Justice, but he refuses to interfere without a warrant from the Lords of Privy Council, "supreme judges of the kingdome." The Lords, having heard and considered the matter, grant warrant to the Justice, Justice Clerk, and their deputes, and withal command them to give out letters to the supplicant against the Lord of Desfurde, and his deputes and their clerk, also against the sheriff of Bamff and his deputes and their clerk, and all persons at whose instance he was pursued before either of them, summoning them to appear before the Justice and his deputes on such day as they shall appoint for the reponing of the supplicant against the aforesaid conviction, and for any of the said persons who intend to pursue him for the foresaid crimes before the Justice, taking a day therefor and finding caution for doing so; as also for putting the supplicant in such case under caution in 300 merks for underlying his trial for the foresaid crimes or any others to be laid to his charge; and likewise to discharge all persons, including the said bailie of the regality of Strathyla and the sheriff of Bamff, and any acting by their authority, from meddling with the estate of the supplicant by virtue of the aforesaid conviction until it be found that it is just and lawful. And their Lordships upon "verie good respects and considerations" hereby grant their warrant to the supplicant to intromit with his own goods without peril or danger of law; he having found caution in 300 merks in their Lordships' books that the said goods will be forthcoming to the parties having best right thereto in the event of his conviction, and that in addition to the value of the said goods.

Decreta, November 1633-April 1635. Fol. 36, b.

Fol. 37, a.

Complaint by the King's Advocate and John Kennedy, notary, burgess of Ayr, against James Stewart, apparent of Halrig, for illegally raising criminal letters against George Cochrane of Newtown in Ayr.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Kennedie, notary, burgess of Air, his informer, as follows:—James Stewart, apparent of Halrig, having without any just ground raised criminal letters in the borrowed names of John, Earl of Tracquair, Deputy Treasurer, and of his Majesty's Advocate, against George Cochrane in Newtoun of Air for his compearing before his Majesty's Justice on 7th November last to answer for the crime of adultery committed by him with Janet Watsoun, spouse of William Rodger, indweller in Air, committed the execution of the letters to John Howstoun and John Cooke, messengers, "and he and they colluding togidder in the falset underwrittin resolved to make thair filthie and unlawfull advantage upon his Majesteis good subjects under pretext and cullour of the saids letters." Having summoned the said George, they drew up a list

Acta, November 1633-April 1634. Fo. 57, b.

of sixty persons to pass upon his assize and caused charge every one of them to keep the said diet under the penalty of 100 merks, and then the said James and the two messengers dealt indirectly with these persons, promising that for some reasonable composition they should be warranted to remain at home, of which offer all of these poor men "being glade to be fred of that trouble seing they had thair harvest upon thair head and the weather wes so unseasonable that they could not travell," availed themselves, some giving £5 6s., some 5 merks, some a dollar and six shillings, some half a dollar and four shillings, and some 12s.; extending in all to over £100. At the reporting of the letters they gave in a roll of only seventeen assizers, and of these five or six had compounded, and twelve did not compear and were fined. Further, the said James, "not content with this coosening scafferie," caused extract the roll of the persons of assize thus fined and "misknowing the ordinar clerk who hes the charge of wrytting letters for the Thesaurarie, they addrest thameselffes to Robert Wallace, Writter to the Signet, and dealt with him to write letters of horning" against these persons for payment of their fines, as at the instance of the said Deputy Treasurer, who never employed them in any such service, and having thus charged them, he is now dealing with these persons to compound for their fines, threatening them with horning if they refuse. "This is ane heavie burdein and a foule coosening policie wherewith his Majesteis good subjects ar so mischantlie abused and coosenned be the said James and his twa messingers foresaids, and if some exemplar order be not tane for trying and censuring heirof, nombers of his Majesteis subjects throughout the haill kingdome will suffer by the like forme of doing." Charge having been given to the persons complained upon to compear, and the pursuers and John Howstoun compearing personally, but James Stewart and John Cooke not compearing, the Lords ordain James Stewart and John Cooke to be put to the horn and escheat, and continue the case of John Howstoun until Tuesday next, directing him in the meantime to attend his Majesty's Treasurer and Advocate anent this matter on the morrow in the Exchequer House.

Fo. 58, a.

Sederunt, November 1628-January 1635. Fo. 114, a.

"The Lords nominats the Erles of Wintoun, Roxburgh, and Southesk, the Lord Lorne, Secretar, and Sir James Baillie or anie three of thame to conveene and meit with the commissioners of the burrowes and to conferre and reasoun with thame and to assist thame with thair best advice tuicheing suche things as ar to be represented be thame to his Majestie concerning the increasse of trade and libertie of fishing."

The Earl of Winton and others appointed to confer with the commissioners for the burghs anent trade and the liberty of fishing.

Acta, June 1632-June 1634. Fo. 255, b.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Winton; Kingorne; Annerdaill; Southesk; Tracquair; Areskine; Binning; Melvill; Secretary; Clerk Register; Advocate.

Edinburgh, 21st January 1634.

"The Lords of Secreit Counsell ordains the burrowes to meit with the

Anent the increase of

trade and the liberty of fishing.

commissioners nominat be the saids Lords anent the increase of trade and libertie of fishing the morne at eight of the clocke in the morning and to conferre and reason togidder for the better cleering of the doubts and prejudices concerning the trade and libertie of fishing." Acta, June 1632-June 1634. Fol. 255, b.

Edinburgh, 21st January 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 38, a.

Anent the complaint of John Kennedy, notary, burgess of Ayr.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Kennedie, notary, burgess of Air, narrating as formerly (p. 184 *ante*), and that on the 16th the pursuers for instructing the complaint had produced a letter written and subscribed by the said John Howstoun in which he declared that he passed from the charge given by him to a number of persons particularly named in the said letter to appear as assizers, and that he did so with consent of the said James Stewart; and that they also produced other documents proving his having agreed with several of the persons charged. The cause being called as adjourned from the previous diet, and John Howstoun not now compearing, the Treasurer Depute reported that he and his Majesty's Advocate had examined the said John Howstoun upon the points contained in the complaint, a great part of which he confessed, stating that he acted by the direction of the said James Stewart. The Lords accordingly find the complaint verified and proven against the said John Howstoun, and ordain that he be charged to enter into ward within the tolbooth of Edinburgh within six days and there remain on his own charges until relieved by their Lordships, under the pain of rebellion. Fol. 38, b. Fol. 39, a.

John Howston, messenger, who was involved in the complaint of John Kennedy, notary, to be deprived of his office.

The Lords of Privy Council having found and declared by their sentence this day "that Johne Howstoun, messinger, hes verie farre abused and wronged a nomber of his Majesteis subjects by charging of thame without a warrand to compeir before his Majesteis Justice to pas upon the assise of George Cochrane in Newtoun of Air for the alledged cryme of adulterie committed be him, and for componing and agreeing with nombers of thame and taking of compositions frome thame to byde at home, quhilk is a foule coosening, scafferie and deserves exemplar punishement" ordain and command the Lyon King of Arms and his brother heralds to convene the said John Howstoun before them and deprive him of all further exercise of his office as a messenger of arms. Fol. 39, b.

Complaint by John Baigrie in Luffness against Margaret Alexander for illegally forcing them to subscribe a bond which had already been cancelled.

Complaint by John Baigrie in Lufnes, as follows:—He was indebted to Margaret Alexander in 300 merks and she was indebted to Sir Patrick Hepburne of Wauchtoun for the rents of certain lands she held from him, for payment of which Sir Patrick arrested in the complainer's hands the sum he owed to her and recovered decree therefor before the Sheriff of Hadintoun and his deputes. The complainer, having thus satisfied Sir Patrick, recovered decree before the said sheriff ordaining

Secreta, November 1633-April 1635. Fol. 39, b.

his bond held by the said Margaret to be cancelled, and he never expected to be troubled therewith any more. But the said Margaret Alexander has registered the bond, and in collusion with John Oliver, messenger, caused the complainer to be denounced; and thereupon by letters of caption the said John Oliver on "being the Lords Sabboth," apprehended him, having no "respect to the Lords day and to the lawes of the countrie quhairby the executioun of letters of captioun is inhibite upon Sunday," and they kept him prisoner until they forced him to subscribe a new bond for the sum foresaid. Charge having been given to the said John Oliver and Margaret Alexander and John, Helen, Bessie and Katharine Cuthbert, her children, to compear and

Fol. 40. a.

produce the said band extorted from the complainer and see it destroyed, and the pursuer appearing personally and also the said Margaret Alexander and John Cuthbert for himself and the other defenders, the pursuer produced a precept of poinding under the seal of the sheriff of Hadintoun and the subscription of the sheriff clerk, at the instance of the said Sir Patrick, for poinding the pursuer's goods for payment of 200 merks due to the said Sir Patrick, and also the extract of a decree by the said sheriff against the said Margaret for production of the two bonds given by the pursuer to her for payment of the 300 merks so that they might be cancelled and destroyed, which decree is dated 10th May, 1632. The Lords, having seen and considered these documents and also examined the said Margaret Alexander and John Cuthbert as to the truth of the pursuer's being compelled to sign a bond for 230 merks, which bond was registered in the Books of Counsell and Sessioun on 20th November last, when both confessed that this sum of 230 merks was the same as that contained in the first bond for 300 merks of which payment was made to Sir Patrick Hepburne, and that the pursuer was due no other sum unto them, find the last bond for 230 merks registered as aforesaid void and of no force, and to have no execution in time coming.

Acta, June 1632-June 1634. Fol. 255, b.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Winton; Kingorne; Annerdaill; Lauderdaill; Southesk; Tracquair; Dumblane; Areskine; Binning; Melvill; Clerk of Register; Advocate.

Edinburgh, 23rd January 1634.

Supplication by Sir John Auchmutie of Gosford, keeper of his Majesty's wardrobe, that a committee be appointed to re-examine the contents of the said wardrobe.

"Anent the supplication presented to the Lords of Secreit Counsell be Sir Johne Achinmowtie of Gosfurde makand mention that where he, as maister of his Majesteis wardrob be his gift, is not onelie appointed keeper of all his Majesteis wardrob stuffes bot also of naperie, vessell, fire warke and all other plenishing belonging to his Majesteis housses within this kingdome, quhilks goods and geir foresaid wer all inventared be vertew of ane commission under his Majesteis great seale of the date at Whitehall, the threttene day of Aprile, 1626, direct frome his

Majestie to ane certane nomber of the saids Lords to that effect, quhilk inventar is subscryved with the supplicants hand, whereby the supplicant and his airis ar bound to make furthcummand everie particular conteanit in the said inventar; and it is not unknowne to the saids Lords that be vertew of thair warrand of Counsell upon the penult of May last the supplicant wes directed to give out of his custodie all and whatsomever plenishing belonging to his charge (except that whiche did concerne the wardrob); and being latelie desired be the Lord Thesaurar to goe to the storehous to take notice what things were wanting, he finds a great deale of losse so that he cannot undergoe nor meddle with that charge without the saids Lords thair warrand and renovation of his booke and inventar. Humbelie desyring thairfoir the saids Lords to deale with his Majestie for procuring of ane new warrand and commission whereby the supplicants charge may be renewed and that his booke and inventar may burdein him with no more nor the saids Lords sall see delyvered to him; or to take anie other course heerin quhilk the saids Lords sall thinke most fitt for his Majesteis service and the supplicants exoneration; lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords and they weill advised therewith, the Lords of Secreit Counsell nominats and appoints and therewithall gives full power and commission be thir presents to Williame, Erle of Morton, Lord High Thesaurar of this kingdome, Johne, Erle of Annerdaill, David, Erle of Southesk, Johne, Erle of Tracquair, deputie Thesaurar, Thomas, Lord Binning, Sir Archibald Achesone, his Majesteis Secretar, and Sir Johne Hay, Clerk of his Majesteis Registers, or anie three of thame, the saids Lord Thesaurar or Deputie Thesaurar being one of the three, to consider the said supplicant his booke and charge, what part and portion thairof hes beene givin furth by warrand to particular officers, how muche thairof hes beene redelyvered and what is wanting, and accordinglie to renew and reforme the said supplicant his booke to be the ground and warrand of his charge in tyme coming."

Acta, June 1632-June 1634. Fol. 255, b.

Fol. 256, a.

Edinburgh, 23rd January 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 40, b.

Complaint by Archibald Dunbar of Baldoon and others against Fergus Lilburne in Meikle Berintrae for illegal horning.

Complaint by Archibald Dunbar of Baldune, Harry Gordoun of Kilsture, and Michael McKie in Kirkland, as follows:—They have been informed that they have been put to the horn at the instance of Fergus Lilburne in Mekle Berintrae and his Majesty's Advocate for failing to appear before their Lordships as witnesses in their action against John McCulloch of Ardwell for causing the said Fergus subscribe a bond as mentioned in the complaint (*ante*, p. 181). Now they were never lawfully charged either personally or at their dwelling places to appear; and, further, this alleged charge was executed against them at the directioun of Alexander, Earl of Galloway, without the knowledge of the said

Secreta, November 1633-April 1635. Fo. 40, b.

Fergus, "who knew nothing of the same and never bestowed ane turner in raising or executing of the saids letters." The complainers never imagined that the said Earl would charge them as witnesses in this matter, seeing that at the making of the said bond, which was done in Edinburgh, the complainers were in Galloway and knew nothing about it. Nor could they imagine that the said Earl would seek an advantage against them at that time of the year, viz., September, when they behoved to attend their harvest. Nevertheless they have found caution, each in 300 merks, to appear before the Council this day as witnesses, and further in £100 to satisfy the Treasurer, Deputy Treasurer and Receivers of his Majesty's rents for their escheats if found liable to do so; in respect whereof they crave suspension of the horning. The pursuers compearing personally but the King's Advocate and Fergus Lilburne, who had been cited as defenders, not compearing, the Lords suspend the said horning as craved.

Fol. 41, a.

Fol. 41, b.

Complaint by the Bishop of Dunkeld, John Colt, mason, and others against Mr. David Williamson, minister at Kilspindie, for demolishing a bellhouse which the complainers were repairing in the kirk of the said parish and for assault on the said John Colt.

Complaint by Alexander, Bishop of Dunkeld, Sir Robert Bruce of Clackmannan, William Bruce of Fingas, and Alexander Lindsay, fiar of Evelick, for themselves and in name of the heretors and parishioners of the parish of Kilspindie, and John Colt, mason, as follows:—By a decree of the Lords of Council and Session the said parishioners were ordained to repair the kirk and bellhouse of Kilspindie, and in obedience thereof they purchased a great number of stones at Innergowre, and with great difficulty and expense transported them thence partly by sea and partly by land to the said kirk. They then agreed with the said John Colt for building the said bellhouse, and he commenced the work, and "had takin twa trees of fyve quarter long and layed thame in the wall for strenthening thairof," when "M[r] David Williamsone, minister to the saids parochiners, upon the penult of December last, come to the warke and verie despitefullie raised up a part thairof, tooke away the two trees, drew doun the scaffold, kuist the maissons warkloomes away, and boasted and minassed the said Johne Colt with manie disgracefull speeches, calling him and his men false lownes, patt violent hands in his person, buffetted him on the face, uttering manie contumelious speeches aganis the saids heretours and parochiners calling thame also false; and hes tane away the keyes of the kirk doores and bellis out of the bellhous quhilks he keepes and deteanes frome the compleaners, to the intent the measure of the hous may not be had to conforme the same to the bellis; and he hes so terrified and affrighted the said Johne Colt that he darre not anie longer serve at that warke bot hes gevin the same over." The pursuers appearing by Mr. David Falconner, their procurator, and the defender by Mr. James Nicolsone, his procurator, and parties and their witnesses having been heard, who failed to prove any part of the complaint, the Lords assoilzie the defender.

Fol. 42, a.

Sederunts, November 1629-January 1635. Fol. 114, b.

Edinburgh, 23rd January 1634. Justices of the Peace.

"James Lyon of Aldbar and Lindsey, fear of Edyell, to be insert in the commission of the Justices of peace within the shirefdome of Forfar."

Edinburgh, 28th January 1634.

Sederunt—Treasurer; Privy Seal; Murrey; Winton; Kingorne; Roxburgh; Annerdaill; Southesk; Tracquair; Bining; Secretary; Advocate; Sir James Baillie. Decreta, November 1633-April 1635. Fol. 42, a.

Complaint by Mr. Alexander Hamilton of Kinglassie against John Cairns, who, after being in his service for some twenty years, has left his service without legal warning and taken complainer's workmen with him.

Complaint by Mr. Alexander Hamilton of Kinglassie, as follows:—Some twenty years ago James Carnes in Kinglassie entered into service with the complainer in his coal work of Kinglassie, and he afterwards made him grieve and overseer of the same, expecting that he would show himself worthy of the trust reposed in him. Nevertheless, the said James Carnes having received certain sums of money due to the complainer, and being in debt to him personally otherwise, has not only made no accounting thereof, but also within term day has most unthankfully left the complainer's works and drawn away the workmen who served under him so that for the past fifteen weeks the complainer's works have been laid waste; "and now to mocke and scorne the compleaner he hes caused charge him to find him lawborrowes." Both Fol. 42, b. pursuer and defender appearing personally and they and their witnesses having been heard, the Lords find that the said James Carnes "hes verie unlawfullie and undewtifullie left the perswers workes within termes, having had the oversight thairof thir manie yeeres bigane," and they ordain him to be warded within the tolbooth of Edinburgh until they release him.

Edinburgh, 30th January 1634.

Sederunt—Privy Seal; Mairshell; Murrey; Kingorne; Annerdaill; Lauderdaill; Dumfreis; Southesk; Tracquair; Bishop of Dunkeld; Lord Bining; Lord Melvill; Secretary; Clerk of Register; Advocate; Sir James Baillie. Acta, June 1632-June 1634. Fol. 256, a.

Coalmasters to inform foreign traders that they must purchase coal and salt with his Majesty's coin.

"The Lords of Secreit Counsell ordains and commands Johne, Erle of Wemes, Mr Alexander Hamilton of Kinglassie, and Alexander Bruce of Alveth, who wer personallie present, to make intimation to the strangers traders with thame for coale and salt that they bring no dollers for payment of thair coale and salt bot that they bring his Majesteis proper coyne for the same or suche species of gold and silver as have course be the act and proclamation made heereanent."

On a supplication from the coal-owners the Council relieve them from the act requiring them to take only Scottish coin from foreigners trading with them.

"Anent the supplication presentit to the Lords of Secreit Counsell be Johne, Erle of Wemes, Mr Alexander Hamilton of Kinglassie and Alexander Bruce of Alveth, makand mention that where by ane act of Counsell of the dait at Halyrudhous, the 18 of July, 1631, the supplicants wer inhibite to receave anie dollers for coale or salt from strangers trading with thame, quhilk act they have been most carefull to obey and ar yitt verie willing that the same sould receave dew obedience, and for this effect they have at diverse tymes intimat the same to the saids strangers who trade with thame anent their coale and salt and have represented Fol. 256, b. unto thame the danger and inconvenients that would ensew both to the

Acts, June 1532-June 1534. Fol. 256, b.

supplicants and thame by importing and bringing in the saids dollers; and now, as the supplicants ar informed, there is ane great nomber of strangers and speciallie Hollanders arryved within the firth for buying of great coale from thame, who have the most part of thair provision and stoolling in dollers, it being impossible to thame, as they affirme, to import within this countrie gold or other speces of coyne allowed to have course heere, and that in respect of the great skarsetie of these moneyes in thair awne countrie: Humbelie desyring thairfoir the saids Lords to take suche present course and order in this mater as the supplicants be not cassin louse frome trading with the saids strangers to the undoing of thair coale warkes and haill estats, quhilks by that trading ar uphaldin and mainteanned and without the quhilk not onelie sall they heavilie suffer bot also great nombers of the countrie people who live by thair saids workes will be brought to beggerie; lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell upon considerable respects hes givin and grantit and be the tennour heirof gives and grants libertie and licence to the saids supplicants to receave payment in dollers frome the strangers come heere in the lait fleit presentlie lying in the Firth at the ordinar rate of lviij ß. for the coale and salt to be sold be the saids supplicants to thame without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding of the act of Counsell and proclamation made and published in the contrare; whereanent and all panes conteanit therein the saids Lords dispenses be thir presents in the particular abone-written allanerlie, but prejudice alwayes of the said act of Counsell and proclamation published thereupon and panes therein conteanit to be incurred be the contraveenners in tyme coming in caise of new contravention."

[Sederunt as recorded above.]

Edinburgh, 30th January 1634.

Decreta, November 1633-April 1635. Fol. 42, b.

Complaint by George Chalmers of Balbithen against William Seton of Meldrum, his brother-in-law, for intromitting with his estate and illegally seeking to procure letters of caution against him.

Fol. 43, a.

Complaint by George Chalmers of Balbithen, as follows:—He has been resident in England for several years past, and, being indebted in some small sums to several persons in this country, and some small burdens lying upon his estate of Balbithen, William Seatoun of Meldrum, his brother-in-law, pretending only the welfare of the complainer and his wife and children, and the preservation of their estate till their return, wrote to the complainer to London in January, 1622, desiring him to sign certain writs inclosed in his said letter, whereby he would have power to deal with the complainer's lands and rents during his absence; and he promised that he would then pay the complainer's debts, entertain his wife and children, preserve his estate until he should return to Scotland, and repone him therein. This letter, all written with his own hand, is dated at Aberdein, 25th January, 1622. The complainer,

confiding in the said William Seatoun as his brother-in-law, signed the writs, and by virtue thereof Seatoun has intromitted with the complainer's estate since 1621, but has made no accounting thereof, neither has he paid the complainer's creditors, though their claims only amounted to 11,000 merks, and the yearly rent of the said estate was over twenty chalders of victual, besides other casualties: Having received information of this behaviour he has come to this kingdom, and has raised an action against Seatoun, to defeat which Seatoun has caused him to be denounced upon some bands which he has paid with the complainer's rents, and taken out letters of caption against him, and has also stirred up certain of the complainer's creditors, whom he ought to have satisfied, to trouble him in the same way. Charge having been given to the said William Seatoun of Meldrum to compear and see their lordships' protection granted to the complainer, and both being personally present, the Laird of Meldrum declared that he had no horning against the said George Chalmers, and would not in this way debar him from pursuing in any action, and he also consented to their Lords granting to him their protection, which the Lords did accordingly until 31st March next. Decreta, November 1633-April 1635. Fol. 43, a. Fol. 43, b.

Continuance of protection to Fergus Graham of Blaatwood.

"The protectioun granted to Fergus Grahame of Blaatwod prorogat till the first day of Marche nixt in so farre as concernes the Erle of Annerdaill."

Holyrood House, 1st February 1634, *ante meridiem.*

Sederunt—Chancellor; Treasurer; Privy Seal; Mairshell; Kingorne; Roxburgh; Annerdaill; Lauderdaill; Southesk; Bishop of Murrey; Advocate. Acta, June 1632-June 1634. Fol. 256, b.

Direction to William Gray and Mr. Alexander Guthrie to meet with the commissioners of the burghs, and confer with them anent the circulation of foreign dollars.

"The quhilk day the Lords of Secreit Counsell required Williame Gray and Mr Alexander Guthre to meit and conferre with the commissioners of the burrowes anent the estat of the coyne current in the kingdome and to sett doun in writt thair advice and opinion anent the course of dollers and how the abuse thairof may be most convenientlie remedied and good moneyes imported within the kingdome, and what they crave to be reformed in the order of payment of the bulyeoun, coynage thairof and officers wages dew for the same, and to report thair opinions thereanent to the saids Lords upon Thursday nixt at nyne of the clocke in the forenoone in the laich counselhous of Edinburgh; and ordains the officers of the cunyiehous to be warned to that dyet." Fol. 257, a.

Holyrood House, *eodem die, post meridiem.*

Sederunt—Chancellor; Treasurer; Winton; Roxburgh; Annerdaill; Lauderdaill; Dumfreis; Southesk; Tracquair; Lord Lorne; Clerk Register; Advocate.

William, bishop of Edinburgh, admitted into the Council.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented to the saids Lords and read in thair audience, receaved and admitted Williame, Bishop

Acta June 1632-June 1634. Fol. 257, a.

of Edinburgh,[1] to be one of the Privie Counsell of this kingdome and to bruike and injoy all the honnours, priviledges, digniteis and immuniteis proper and dew to that place; lykeas the said Williame, Bishop of Edinburgh, being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto him in preferring and advancing him to this place of honnour and dignitie, he with all dew reverence on his knees, his hand lying on the halie evangell, made and gave the oaths of alledgeance and a Privie Counseller. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, right trustie and right weilbelovit counsellers, and trustie and weilbelovit counsellers, we greit yow weill. Being informed of the sufficiencie of our right trustie and weilbelovit Williame, Bishop of Edinburgh, and of his affection to our service, we ar moved in regarde thairof and for his better encouraging and enabling for our said service to advance and promove him to be one of our Privie Counsell of that our kingdome; thairfoir our pleasure is and we doe heirby require yow that, having administred unto him the oath accustumed in the like eaises, yow admitt him to be one of your nomber, for doing whairof these presents sall be your warrand. From our court at Whitehall, the 18 of Januarie, 1634."

Fol. 257, b.

Sederunt—Treasurer; Bishop of Glasgow; Winton; Kingorne; Annerdaill; Lauderdaill; Dumfreis; Tracquair; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Lorne; Areskine; Melvill; Clerk Register; Advocate.

Edinburgh, 4th February 1634.

"The Lords of Secreit Counsell nominats Thomas, Erle of Hadintoun, Lord Privie Seale, Johne, Erle of Lauderdaill, David, Erle of Southesk, Johne, Erle of Tracquair, Johne, Bishop of Ros, Archibald, Lord of Lorne, Sir Johne Hay, Clerk of Register, and Sir Thomas Hope of Craighall, Advocat, or anie twa of thame with the Lord Privie Seale, to meit and conferre with Sir Johne Scot, Directour of the Chancellarie, anent the prices of his office, and to try what hes beene customablie takin in his uncles and his awne tyme and what prices he now takes, and to report to the Lords what they find therein."

Thomas, Earl of Haddington, and others are appointed to confer with the Director of the Chancery anent the fees connected with his office.

"Anent the supplication presentit to the Lords of Secreit Counsell be Robert, Erle of Roxburgh, makand mention that where Alexander, Erle of Linlithgow, being charged be vertew of letters raised at the instance of Sir William Bannatyne of Brouchtoun to make payment to him of the soumes of money underwrittin for his releeffe of the foure termes of the taxation grantit in the 1621 yeere of God and of the first three

On a supplication of Robert, Earl of Roxburgh, the Council grant him relief from a certain part of his taxation.

[1] William Forbes, first bishop of Edinburgh. "His patent from the King, to be the first bishop of Edinburgh," says Keith, "bears date the 26th January 1634, and he died that same year on the first day of April following." Cat. of Bishops, 60-1.

termes payment of the taxation grantit in the 1625 yeere of God for his lands lying within the regalitie of Brouchtoun and parish of Fawkirk, extending in the haill to the soume of 794 ℔. xvij ß. money, the said Erle made payment to umquhile Archibald Prymrois, clerk of the taxations, who had power, warrand and commission frome the collector of the said taxation to uplift the same and to grant acquittances thereupon, of the soume of 454 ℔. iiij ß.; and as for the remanent of the said soume extending to 340 ℔. xiij ß., the said Erle by a suspension purchast be him aganis the said charge consigned the said soume in the hands of Archibald Prymerose, lykeas umquhill David Crichton of Lugton, Thomas Kincaid of Wareiston, and some others fewers of the baronie of Brouchton being charged be letters raised at the instance of the said Sir Williame to make payment unto him of some certane soumes of money for thair parts of his releefe of the twa taxations abonewrittin, the saids persons by ane suspension raised by thame consigned the soumes of money following in the hands of the said Archibald Prymerose, viz., the Laird of Lugton the soume of xix ℔. xvj ß. viij d., Thomas Kincaid of Wareiston xlj ℔. xiiij ß. iiij d., Thomas Fleeming and the provest, bailleis and counsell of Edinburgh xxvj ℔. iij ß. iiij d., umquhill Mr Johne Jacksone ix ℔. iiij ß. iiij d., James Duncane of Ratho xxvj ℔. xvj ß. vij d., Alexander Heriot, burges of Edinburgh, v ℔. xviij ß. x d., the provest, baillies and counsell of Edinburgh for the mylnes of Bonytoun x ℔. xvij ß. x d., and for the lands of Lochflat xxxvj ℔. ij ß. ij d., umquhill Patrik Eleis ix ℔. j ß. iij d., umquhill Johne Byres xlj ℔. v ß. iiij d., Mr James Watson iiij ß. vj d., Williame Scot v ℔. xvij s. viij d., and Katharine Vaus vj ℔. vj ß. Quhilks twa suspensions being callit, to witt, the one upon the xxij day of July, 1628, and the other upon the xxiiij of Februar, 1629, the Lords of Counsell and Sessioun, in respect of the consignations forsaids, suspended the letters abonewrittin and ordained the consigned moneyes to be givin up to the said Sir Williame Bannatyne, excepting allanerlie the soumes consigned be the said toun of Edinburgh, as the twa decreits givin heirupon at lenth beiris. And whereas it pleased God to call the said umquhill Archibald frome this lyfe before the consigned moneyes foresaids wer givin up, and that now the said Erle is burdenned be the collectors of the saids twa taxations with payment of the consigned moneyes abonewrittin, and he knowes not whome to crave nor aganis whome he can have anie execution, seing there is nane to represent the said umquhill Archibald; and whereas it is aganis equitie, reason and justice that the burdein of these consigned moneyes sould ly upon the said Erle and that he sould be troubled for payment of the same; humbelie desyring thairfoir the saids Lords to give command and warrand to the collectors of the saids twa taxations and to the auditors of thair compts in maner and to the effect following, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and consideritt be the saids Lords and they finding the desire of

Acta, June 1632-June 1634. Fol. 257, b.

Fol. 258, a.

Acta, June 1582-June 1631. Fol. 258, a.

the said supplication reasonable, thairfoir the saids Lords ordains and commands the collectors of the saids twa taxations to defease and allow to the said supplicant, in part of payment of the taxt of the baronie of Brouchton for the twa taxations abonewrittin, the haill moneyes abonespecefeit, consigned and conteanit in the twa decreits foresaids, excepting alwayes the soumes foresaids consigned be the said toun of Edinburgh; and siclyke ordains the auditors of the saids collectors thair compts to allow the consigned moneyes abonespecefeit in thair compts, quhereanent the extract of this act sall be to thame a warrand."

Decreta, November 1633-April 1665. Fol. 44, a.

[Sederunt as recorded above.]

Edinburgh, 4th February 1634.

Complaint by Sir John Hay of Baro, Clerk Register, against Sir John Scot, Director of Chancery, who refuses to deliver the registers to the complainer without the warrant of the Council.

Complaint by Sir John Hay of Baro, Clerk of Register, as follows:— "By the libertie and priviledge of his place and office the keeping of all the registers of the Chancellarie is dew to him and the extracts thairof aucht onelie to pas by the said compleaner." He had informed Sir John Scot, Director of Chancery, of this, and dealt with him for the delivery of his registers "to be putt in his Majesteis register and keeped there," but Sir John Scot "makes some scruple and difficultie to delyver the saids registers without the saids Lords thair warrand." The complainer compearing personally and Sir John Scot compearing by John Scot, his son, and parties having been heard, the Lords ordain Sir John Scot to deliver to the said Clerk Register "the registers of all heretable infeftments and seasings being in his charge and keeping, to the intent the same may be putt in his Majesteis Register and there be keeped be the said persewer according to the right and dewtie of his place, he giving to the said Sir Johne his ticket and discharge upon the receipt of the saids registers"; seeing Sir John could assign no reasonable cause why this should not be done.

Fol. 44, b.

George, Earl of Winton, and others appointed to act as arbitrators anent an assythment for the slaughter of James Leslie, late of Pitcaple.

This day, in presence of the Lords of Privy Council, compeared personally John Leslie, younger of Pitcaple, and taking burden on him for John Gardin, son of the Laird of Blackfuird, elder, and all others who might lawfully "be challenged and burdeined for the slaughter of umquhill James Leslie, *alias* Robertsone, sometymes servant to Williame Seatoun of Meldrum," and also compeared personally the said William Seatoun, taking burden upon him for Margaret Leslie, widow of the said deceased James Leslie, William Leslie, his brother, and all others his kin and friends (the said Margaret Leslie being also personally present) and submitted the question of the assithement to be paid to the said widow and her children to the judgment of George, Earl of Winton, and Archibald, Lord Lorne, with John, Earl of Kingorne, as oversman in case of variance, who accepted the nomination and promised to give their decision thereupon before 15th March next. In respect whereof the Lords ordain that the criminal diet appointed to Mr. William Hay of Badinspeck, Alexander Garne of Blackfuird, and John Garne, his brother,

Fol. 45, a.

to compear before the Justice and his deputes in the tolbooth of Edinburgh on 14th February instant in this matter, be continued until the first Tuesday of June next, caution being taken of them for their appearance then. And because the said Margaret has been drawn to this burgh to defend against the said Mr. William Hay and Alexander Gardin in their action of precognition touching the form of the said slaughter, the Lords ordain the Laird of Pitcaple, who was personally present, to pay to her £40, as she has thereby incurred great expense. Decreta, November 1633-April 1635. Fol. 45, n.

Complaint by Robert Lammert, flesher in Kingorne, against Janet Davidson, and others, for illegally keeping him in ward on the charge of slaughtering Thomas Dow, husband of the said Janet Davidson, without bringing him to trial.

Complaint by Robert Lammert, flesher in Kingorne, as follows:—On August last he was apprehended on letters of caption at the instance of Janet Davidsoun as widow, Christian and Margaret as children, John Dow as father, Christian Shortes as mother, William Dow, indweller in Dumfermeline, as brother, and the remanent kin and friends of the deceased Thomas Dow in , for the alleged slaughter of the said Thomas. He remained a long time in ward in Kingorne, but not being able to maintain himself there the bailies brought him over to Edinburgh in September last and dealt with the Justice deputes to take him off their hands and put him to his trial. This they refused to do as they knew of no prosecutor. The bailies thereupon represented the matter to their Lordships, who committed the complainer to the tolbooth of Edinburgh and ordained him to take out letters against his party either to put him to trial or consent to his release. Parties being cited and the pursuer compearing personally, and also the said Janet David [*sic*], she took the 25th February instant for prosecuting the pursuer before his Majesty's Justice for the slaughter of her husband; whereupon the pursuer asked instruments. Fol. 45, b.

Complaint by Sir David Barclay of Cullernie against Mr. David Orme, minister at Newburgh, for preventing him from holding his court in St. Katherine's Chapel within the said burgh.

Complaint by Sir David Barclay of Cullerine, heritable bailie of the regality of Lundores, as follows:—He and his predecessors, as bailies foresaid, have been in the constant practice of holding courts in St Katharines Chapel within the burgh of Newburgh for administering of justice unto the vassals and feuars of the said regality, who are also bound to give suit and presence before the complainer there, and their right has never been questioned till that on 13th April, 1632, when the feuars were convened with the complainer in the kirkyard of Newburgh for holding court in the said chapel, Mr. David Orme, minister at Newburgh, locked and made fast the doors and debarred the complainer from entering; and, being unwilling to make any trouble or commotion in such a place, they gave way. Again on 8th October that same year, when the feuars of the said regality were convened with Mr. Michael Barclay, the complainer's depute, for holding the head court after Michaelmas, Mr. David Orme repeated his conduct as above, and thus he frustrates the gentlemen and others his Majesty's subjects within that jurisdiction of justice, to their heavy hurt and prejudice. Charge having been given to the said Mr. David Orme, and he and the complainer both Fol. 46, a.

Decreta, November 1634-April 1635. Fol. 46. b.

compearing personally, Mr. David Orme produced to their Lordships an Act of the Presbytery of Cowper, dated at Cowper, 30th January last, "bearing the advice of the brethrein of the said presbyterie to the said defender to use all good meanes for keeping of the kirk of Newburgh for the service of God," and in case of any seeking to act contrary to the order of the kirk and Acts of Parliament thereon "he sould caus locke the kirk doore"; the said act being signed by Mr. John Moncreiff, moderator, and Mr. John Moreis, clerk of the said presbytery. The Lords in respect of this act assoilzie the defender.

Acta June 1632-June 1634. Fol. 258, a.

Sederunt—Privy Seal; Glasgow; Winton; Annerdaill; Dumfreis; Southesk; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Clerk Register; Advocate. Edinburgh, 6th February 1634.

Fol. 258, b.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes: —CHARLES R.—Right trusty and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Understanding that, though our right trustie and right weilbelovit cousine and counseller, the Marqueis of Hamilton, collector of our late taxations and of twa of ten for eache hundreth of annuelrent money payable by the borrowers to us, hath beene carefull during the tyme of his being there to remove all impediments whiche may frustrat us of the benefite intended for us by the acts made thereanent, yitt there ar manie (as we ar crediblie informed by the said Marques) who aganis the dewtie of good subjects, not affecting the good of our service heerin, endeavoure by all meanes to defraude us of the said benefite by changing or antedating thair bands or otherwayes to prejudge us; in regarde suche persons doe merite severe punishement whereby others may be terrified frome committing the like heerafter, our pleasure is that whensoever anie person sall be cited before yow for suche crymes yow proceed with expedition to thair tryell by examining of the notars and witnesses who ar thought to be accessorie to thair proceedings, and that yow use all other lawfull meanes whereby the same may be tryed, that according as yow find thame guiltie yow caus punishe thame exemplarlie to the terrour of others, conforme to the lawes of that our kingdome. Which speciallie recommending to your care, we bid yow farewell. From our court at Whitehall, the 25 of Januarie, 1634. Quhilk missive being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains and commands Sir Thomas Hope of Craighall, his Majesteis Advocate, to proceed upon information to be givin to him to the persute of the persons guiltie of the crymes conteanit in the said letter. Quhere- Letter from his Majesty requiring the Council to punish such persons as antedate bonds with the object of defrauding his Majesty of part of his taxation.

upon his Majesteis said Advocat having declared that he was informed that David Beatsone of Cardon had offended in that kynde, the saids Lords ordains the said Advocat to persew the said David," Acta, June 1632-June 1634. Fol. 258, b.

Edinburgh, 6th February 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 46, b.

Complaint by George Arnot, merchant burgess of Edinburgh, against George Scot, skipper in Dysart, who threatens to put him to the horn for non-payment of a sum which the Council ordered the complainer to pay to the said George Scot, but, the complainer urges, unjustly.

Complaint by George Arnot, merchant burgess of Edinburgh, as follows:—George Scot, skipper in Dysert, upon their Lordships' decree ordaining the complainer to pay him £499 16s. 6d. (see *ante* p. 169) has charged him to make payment thereof, and intends to denounce him if he fail therein; and that wrongfully, because the said George Scot, since the time of the granting of the first letters of reprisal to the deceased Captain David Robertsone, his father-in-law, against the Hamburgers, was always reputed, as he indeed was, a partner in that business, he being master of the ship sent out by his said father-in-law, who was captain thereof, and contributing his counsel and assistance in everything that concerned that employment; and in the second letter of reprisal granted by his Majesty Fol. 47, a. for behoof of the widow and children of the said deceased Captain, the said George Scot has not only his interest as son-in-law, but is expressly mentioned by name. And, further, when the Lord Admiral required Captain Orrock, who was captain of the ships sent out under these second letters, to find a cautioner, he obtained the Laird of Tulliallan, as such, but the said George Scot became bound to relieve the said Laird; thereby showing that he was a party. And truly if there had been any gain by these second letters of reprisal he would have been ready enough to have sought his part of the same; so ought he therefore to bear his share of the loss. Now the sum claimed by George Scot is but a small part of the loss sustained by the complainer therein, and no restitution should therefore be made, but on the contrary George Scot, who by his own declaration is proved to be a partner and possessed of three sixteenth parts, and has taken burden for the children of the said Captain Robertson, should be decerned to pay his part of the other two sums contained in the last articles given in the end of Thomas Miller's account, viz., £300, and 6400 merks, which the complainer can swear that he has paid in addition to the sum given to Jacob Jansoun. Moreover, the complainer cannot be decerned to pay any more of the foresaid sum of £499 16s. 6d. than his proportion, because although the decreet against the said George Scot decerns him to pay £680 to the complainer, that is, for Scot's part of the loss of the wines and aquavitie paid to Jacob Jansoun and for the relief of the whole owners according to their proportions respectively; and as the complainer's interest is only an eighth, so he is Fol. 47, b. only liable for his eighth part. Finally, by Thomas Miller's account it will be found that £1400 have been disbursed in addition to the satisfaction made to Jacob Jansoun, of which George Scot should pay three sixteenths, being 100 merks or thereby, and of this the complainer

Decreta November 1633-April 1635. Fol. 47, b.

should have retention conform to their Lordships' decreet ordaining George Scot to pay his part of the whole losses of the wines and aquavitie. However, the complainer has found caution to make payment in terms of their Lordships' decree if it be found he should do so, and meanwhile craves suspension of the horning. The pursuer compearing by Mr. John Paip, his procurator, and the defender by Mr. David Heriot, his procurator, and having been heard, the Lords remit the case to the Lords of Council and Session, ordaining George Arnot to find caution in the Books of Privy Council that if George Scot prevail in this cause he will pay him the sum charged for with due interest since 17th December last, the date of his decreet.

Fol. 48, a.

Supplication by Andrew Wardlaw, son of the deceased Mr. Patrick Wardlaw of Torrie, as follows:—Commiserating his hard estate, their Lordships granted to him their warrant for the security of his person until he reached the age of fourteen years. He had been left in his minority by his father nothing but a burden of debt, in ignorance of which those who had charge of his education had served him heir to his father, whereby he would have been in daily hazard of arrest by his father's creditors. He is now approaching the age foresaid, and, as this is the chief and only time in which he can profit in literature, he craves an extension of the time of his protection. The Lords grant an extension for one year from the date hereof, but only against the supplicant's person.

Supplication by Andrew Wardlaw, son of the deceased Mr. Patrick Wardlaw of Torrie, for protection from his father's creditors.

Fol. 48, b.

Complaint by Williame Home, sometime in Chirneside Mylne, as follows:—Upon a complaint made to their Lordships by John Home of Plewlands and John Miller, his servant, for hurting of the latter, the complainer was imprisoned in the tolbooth of Edinburgh for three days and ordained to find caution, but whether to the said John Miller or John Home he knows not. Now, the prosecution of the complainer was most unjust, for John Home only intended to dispossess him of his mill of Chirneside, "whairof he craftilie acquired ane pretendit minute of ane contract frome the Erle of Home in England *in lecto ægritudinis*; so the compleaner did nothing to the said Johne Miller at that tyme bot onelie stopped him and saxtene others of his complices who violentlie come in feare of warre at the direction of the said Johne Home to dispossesse him of his said mylne." He has already found caution in the Books of Session to the said John Home for his indemnity, but for the present he is quite unable to find any further caution, as since the complainer's imprisonment John Home "hes violentlie extruded his wife and bairnes furth of the said mylne and would not suffer them to carie anie thing away with thame bot hes redacted thame to beggarie." No man will now become cautioner for him. Moreover, he has been now about four months in ward,—a term of imprisonment far exceeding the demerit of his offence—and he is thereby prevented from obtaining justice against John Home and is like to starve for famine. Reason and

Complaint by William Home, sometime in Chirnside Mill, against John Home of Plewlands and John Miller, his servant, for keeping the prisoner in ward beyond the term due for his offence.

equity therefore require that he should now be set at liberty. Charge having been given to the said John Home and John Miller, and they and the pursuer all personally compearing and having been heard, the Lords ordain the provost and bailies of Edinburgh to set the pursuer at liberty so far as warded for the cause abovementioned, he having enacted himself under the penalty of 1000 merks and perpetual imprisonment not to molest John Home nor any of his. Decreta, November 1633-April 1635. Fol. 49, a.

Complaint by Robert Young, maltsman burgess of Edinburgh, against John Lowrie, bailie of Inverleith, for delaying to pronounce judgment on James Clerk, who had been found guilty by the said bailie of theft from the complainer.

Complaint by Robert Young, maltman, burgess of Edinburgh, as follows:—Some goods having been stolen out of his houses in Edinburgh, he received intelligence that James Clerk, "browster at the West Port," had reset part thereof. He accordingly caused John Lowrie, bailie of Innerleith, within whose jurisdiction James Clerk dwells, to search his dwelling-house, who found within the same and in "kists therein certane cods, codwairs and . . . . . quhilks wer stollin frome the compleaner, having his name upon the same." Being thus "apprehended with the said fang" and accused by the complainer before the said bailie, the said James Clerk, and also Jean Wast, his spouse, were convicted by a condign inquest before the said bailie in his baron court of Innerleith on 24th September last, and their sentence was referred by the persons of inquest to the said bailie. But for what cause the complainer knows not the bailie has delayed to pronounce doom and sentence against them. Charge having been given to the said John Lowrie and both he and the pursuer personally compearing and having been heard, the Lords ordain John Lawrie to apprehend the said James Clerk and commit him to ward until he satisfy the pursuer for the stolen goods reset by him and also until he find caution for the pursuer's indemnity in time coming. Fol. 49, b.

Edinburgh, 7th February 1634.

Sederunt—Treasurer; Privy Seal; Glasgow; Winton; Annerdaill; Lauderdaill; Kingorne; Southesk; Tracquair; Lorne; Areskine; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Clerk Register; Advocate. Sederunts, November 1629-January 1635. Fol. 115, a.

The Director of Chancery.

"Ane act in favors of Sir Johne Scot anent the prices of his office."

Edinburgh, 11th February 1634.

Sederunt—Chancellor; Treasurer; Glasgow; Winton; Annerdaill; Dumfreis; Southesk; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Clerk Register; Advocate. Acta, June 1632-June 1634. Fol. 258, b.

Letter from his Majesty anent a muster master-general.

"The whilk day the missive letter underwrittin, signed be the Kings majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and

Acts, June 1632-June 1634. Fol. 259, a.

right trustie and weilbelovit counsellers, we greit yow well. Whereas in our late parliament holdin in that our kingdome the office of mustour-maister generall wes ratified as a purpose verie necessarie for the good and honnour thairof, the consideration of the fee for discharging that service and the meanes for leveying thairof being by ane act of that court remitted unto yow and recommended by us in a speciall maner; our pleasure is that yow proceed according to the said act, having alwayes a speciall care both that the said charge be putt in execution in the most convenient way for the good of that kingdome and lykewayes that the nobleman to whois care the overseing of it is entrusted by us may be encouraged to it by a good and competent allowance to be leveyed in suche kynde as yow sall thinke most fitting. Whiche recommending to your speciall care we bid yow farewell. Frome our court at Whitehall, the 22 of November, 1633. Quhilk missive being read, heard and considderit be the saids Lords, they ordained letters to be direct to the burrowes of Edinburgh, Dundee, Perth, Glasgow and Aberdeene and to the shireffs of Edinburgh, Fyffe, Hadinton, Perth, Forfar, Kincardin and Aberdein, willing thame to send thair commissioners hither from thair burrowes and shires respective to the saids Lords upon the xviij day of Marche nixt to give thair advice anent the bussines abone-writtin."

Decree of Council anent the fees of the Chancery in answer to the supplication of Sir John Scot, Director of the said office.

"Anent the supplication presented to the Lords of Secreit Counsell be Sir Johne Scot of Scottistarvet, knight, Director of our soverane lords Chancellarie, makand mention that where in the 1606 yeere of God, when the supplicant wes minor and that his umquhill uncle exerced the directorie of the Chancellarie, the Lords of Privie Counsell for the tyme sett doun a booke of rates conteaning the prices of all writts and seales that sould be tane frome the lieges in all tyme thereafter, and the clerkes of the Session, writters to the signet and others clerkes and keepers of seales wer warned to the setting doun of thir prices; bot the supplicants said umquhill uncle, knowing that how soone the supplicant come to majoritie he would clame the right of his awne place and office, he being thairfoir carelesse what sould become of the same and of the prices to be modified and sett doun thereanent he never sollicited the Lords therein nor did not so muche as once to kythe or opin his mouth in that earand, and so by his silence and carelesse and negligent connivence the saids Lords sett doun the prices of all writts passing the Chancellarie in a farre lower degree and measure nor formerlie wes payed for the same;
Fol. 259, b. and how soone it pleased God that the supplicant acquired the right of his owne office and wes possest therein and finding a sensible prejudice done to him anent the prices of writts passing his office be the negligence and silence of his uncle who possest the same for the tyme, the said supplicant petitiouned the Kingis majestie in the moneth of Februar, 1626, that a commission and reference might be givin to the commissioners for the greevances to take to thair consideration the prejudice done

to the supplicant in the saids prices. Lykeas at that same time his Majestie by his letter directed to his exchecker declared that it wes his royall pleasure that the saids prices concerning the supplicants said office sould be satled be the saids commissioners and in the meane tyme that he sould be suffered to take the accnstomed prices; since quhilk tyme the commissioners for the greevances never mett in judgement, and upon occasion thairof the supplicant still lyes under the censure of the said act of Counsell made in his minoritie. Quhereupon the said supplicant humbelie petitiouned his Majestie and his Estats conveenned in the lait parliament, and they having tane the supplicants petition to thair consideration they remitted and referred the decision and determination of his petition with the modification of the prices conteanit in the same unto the saids Lords to be sett doun and determined be thame, quhilk determination his Majesty and his Estats declared sould stand as ane constant modification in all tyme thereafter and sould have the force, strenth and power of ane Act of Parliament, as the said reference shawin to the saids Lords of Privie Counsell beiris. And trew it is that by a constant and uncontrolled rule observed in all tyme bygane in the Chancellarie anent the prices of all writts and evidents passing that office the halfe of the price that is payed at the great seale or the double of the price of the privie seale hes ever beene the price of writts passing from the Chancellarie to the great seale never heertofore querrelled; and there is not a subject in the kingdome that will or can compleane upon the supplicant for breaking of this rule or for exceeding the prices therein observed; and for the prices of others writts the supplicant hes heir sett doun the same to be considderit be the saids Lords; to witt, all commissions passing the quarter seale for serving of breeves in favors of ane erle or lord xiij ℔. vj ß. viij ₰., in favors of a baron vj ℔. xiij ß. iiij ₰., in favors of a burges or yeaman iiij ℔. vj ß. viij ₰.; ane tutor dative under the quarter seale for a meane person iiij ℔. vj ß. viij ₰., for a baron vj ℔. xiij ß. iiij ₰., for a lord of parliament x ℔.; ane presentation upon forefaltour or bastardrie of lands or annuelrents of small availl within brugh iiij ℔. vj ß. viij ₰., of great availl vj ℔. x iiij ß. iiij ₰.; ane breeve or attorney to a lord of parliament xxvj ß. viij ₰., to a baron xiij ß. iiij ₰., to a burges or yeaman vj ß. viij ₰.; the registration of a retoure to a lord of parliament xl ß.; the precept of a retoure under the quarter seale, of a baronie of land x ℔., of other small lands haldin of his Majestie v ℔. vj s. viij ₰.; precept of land within burgh haldin of a superior iiij ℔. vj ß. viij ₰.; and for the rest eache of thame iiij ℔. vj ß. viij ₰.; ane summounds of error of small availl under the quarter seale vj ℔. xiij ß. iiij ₰., and of great availl x ℔. Thir being the prices whereby the supplicant rules his office, he thairfoir humbelie represents the same to the saids Lords thair consideration, that by act of Counsell he may be allowed and warranted to take thir prices in tyme coming, quhilks ar so moderat as he perswades himselfe that no subject can or

Acta June 1632-June 1634. Fol. 259, b.

Fol. 260, a.

Acta, June 1632-June 1634. Fol. 260, b.

will oppose himselfe thereto; lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords, and they being carefull to be weill and trewlie informed of the estait of this bussines and what wer the prices payed of old in the said Sir Johne his late uncles tyme and sensyne in his awne tyme for infeftments and others writts concerning that office, the saids Lords for this effect appointed a committee of sone of thair awne nomber to try and examine this mater and to report to the saids Lords what they sould find therein. Quhilks persons of the committee having at diverse meetings at lenth conferred heirupon, and having callit before thame certane of the writters to the signet and agents of longest experience and best knowledge in maters of this kynde, and having examined thame upon oath concerning the saids prices, and having reported thair depositions in writt under thair hands to the saids Lords of Secreit Counsell, who wer this day conveenned in counsell in a frequent nomber, and the saids Lords having conferred the saids depositions of the writters and agents and prices depouned be thame with the prices foresaids sett doun be the said Sir Johne in this his supplication and they being therewith weill advised, the Lords of Secreit Counsell finds and declares that there hes beene no materiall change in the prices of the chancellarie tane be the said Sir Johne since his entrie to that office fra the prices tane in the tyme of his said lait uncle, bot that the said Sir Johne hes keeped a good mediocritie and behaved himselfe discreetlie and respectivelie therein; and to the intent that all mater of question and contestation anent the saids prices may heerafter be removed and that persons take not occasion without ground or reason to scandall and reproache the

Fol. 260, b.

said Sir Johne thereanent the saids Lords hes appointed, modified and sett doun and be the tenor of this present act appoints, modifeis and setts doun the prices following as a constant rule and order to be observed and keeped in the chancellarie be the said Sir Johne and his successours and to be tane be thame in all tyme heerafter for infeftments, letters and writts passing at the chancellarie; that is to say, for infeftments, confirmations and others writts passing directlie frome the chancellarie to the great seale with the precept raised thereupon, registration of the same, and for the quarter seale to be appended to the precept, the halfe of the price dew to be payed for the great seale; and that all commissions for serving of breeves in favors of ane erle or lord of parliament sall pay xiij ℔. vj ß. viij ₰., in favors of a baron vj ℔. xiij ß. iiij ₰., in favors of a burges or yeaman iiij ℔. vj ß. viij ₰., tutorie datives in favours of a lord of parliament, ten punds, in favors of a baron vj ℔. xiij ß. iiij ₰., in favors of a meane man iiij ℔.; and if there be moe pupills in the tutorie nor one, to pay the halfe of the price sett doun upon the severall qualiteis of the pupills foresaid *per capita*; presentations upon forefaltour or bastardrie of lands or annualrents of small availl within burgh iiij ℔. vj ß. viij ₰., and of great availl vj ℔. xiij ß. iiij ₰.; ane breeve or attorney to a lord of

parliament xxvj ß. viij đ., to a baron xiij ß. iiij đ., to a burges or yeaman vj ß. viij đ.; registration of a retoure fourtie shillings; the precept of a retoure under the quarter seale of a baronie of land ten punds, and of other small lands haldin of his Majestie fyve punds; precepts of land within burgh haldin of a superiour iiij ℔. vj ß. viij d., and for all other precepts following thereupon iiij ℔. vj ß. viij đ.; a summonds of error of small availl under the quarter seale vj℔. xiij ß iiij đ., and of great availl ten punds. And the saids Lords ordains the Director of the Chancellarie and his successours to furnishe parchement to all infeftments, summounds of error and others writts quhilks may be conteanit and writtin within the bounds of a throuch of paper, and where the infeftments, summounds of error and others writts ar of large extent and bounds the parchement to be furnished be the parteis; and alsua ordains the Director of the Chancellarie and his successors to furnishe walxe and parchement to all attorneyes and breeves, and that the walxe for the quarter seale and great seal be furnished be the parteis." Acts, June 1632-June 1634. Fol. 260, b.

Edinburgh, 11th February 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 49, b.

Complaint by James Graham in Corrilaw and others against the widow and kin of Alexander Fareis in Sibbelbieside for exacting an excessive assythement from the complainers for their alleged complicity in the slaughter of the said Alexander Fareis.

Complaint by James Grahame in Corrilaw, John Johnestoun, son of Robert Johnestoun called of Kirkhill, and John Johnestoun, son of the deceased James Johnestoun in Howgill, as follows:—On 1st January last Alexander Fareis in Sibbelbieside was slain by Umphra Jardane in Cannabie in the dwelling-house of William Jardane in Bagray, "where they wer at the drinke for the tyme." Thereupon "the relict, father, and other freinds of the said Alexander, tooke thame directlie to the said Umphray as the notour and knowne person who slew the said Alexander," pursued him criminally before his Majesty's Justice for the same, "and upon composition payed and receaved be thame frome the said Umphra, they past frome him at the bar and tooke thame to the compleaners who had nothing to doe with the said umquhill Alexander and never medled in that mater directlie nor indirectlie, bot becaus it unhappilie fell out that the compleaners wer in the hous for the tyme and apprehending the danger of the law they durst not hazard upon ane commoun countrie assyse bot takes thame to his Majesteis gracious favour, and pardon, quhilk his Majestie wes graciouslie pleased at his late coronatioun to vouchesafe upon all his Majesties good subjects who stood in dánger of the law for anie slaughters, they procuring and expeding thair remissioun within yeere and day and giving satisfaction to the parties interessed." Accordingly, on 8th July last, the complainers caused make the most submissive offers they could "in hornage" with 800 merks in money to Janet Jardane, widow of the said Alexander Fareis, Rodger Fareis, his father, John, James and Robert Fareis, his brothers, and the tutors and curators, of the said Alexander's bairns, but they refused these offers and intend maliciously to take all the advantage Fol. 50, a.

Decreta, November 1633-April 1635. Fol. 50, b.

they can out of the complainers to their hurt and the disappointing of his Majesty's gracious and royal pardon. Charge having been given to the said widow, father, and brothers of the said Alexander Fareis, and to John, William, Jean and Janet Fareis, the children of the said Alexander, and their tutors and curators, if they any have, to appear before the Lords on 4th February instant, and the said James Grahame appearing personally, the two John Johnestouns by John Johnestoun of Betok, their procurator, and Janet Jardane and John Fareis, also compearing personally, James Johnestoun [*sic, lege* Grahame] gave in certain offers in writing on behalf of himself and the other two complainers, which offers were given up to the said Janet to be advised with until the 6th instant. On which day the defenders having stated that they were not satisfied with the offers made to them, their Lordships requested John, Earl of Annerdaill, and William, Earl of Dumfries, who were personally present and were acquainted with both parties, to call them before them and deal with
Fol. 51, a. them to come to a settlement and restoration of friendship, and report this day. The said Earls having reported that they had travelled between the parties and had given their opinion as to the amount of assithement, and that the point upon which they now stood was as to the gift of the pursuers' escheat, and the expenses made by the defenders thereupon, the Lords ordain that each of the three pursuers pay 500 merks in full assithement to the said widow and children of Alexander Fareis, and that such of the defenders as are donators to the escheats of the pursuers make sufficient assignations to them of their own escheats; and the said assithements having been paid, the Lords ordain that a remission for the said slaughter be passed to the pursuers.

Supplication for protection by Alexander Lindsay of Dunrod that he may satisfy his creditors.

Supplication by Alexander Lindsay of Dunrod, as follows:—He entrusted William Wallace of Johnestoun, his sister's son, with his estate and living for the payment of his debts, but he, in disposing thereof and paying a great part of his debts, "hes dealt verie unhonestlie with the supplicant and tane assignations to the debts quhilks he hes payed, alledging that he is superexpended." This is to the supplicant's great prejudice and the frustrating of his creditors' satisfaction, but he dare not come to Edinburgh for prosecution of the said William without their Lordships' warrant, which accordingly he craves. The Lords grant him their protection till Whitsunday next.

Fol. 51, b.

Similar protection to Sir George Home of North Berwick.

"The like warrand grantit to Sir George Home of North Bervick for selling of his lands to pay his creditours untill the said terme of Witsonday nixt."

Supplication for protection by John Carruthers of Holmaynes.

Supplication by John Carruthers of Holmaynes, as follows:—He is at the horn on some civil grounds at the instance of the Earl of Annerdaill, who has raised also letters of caption against him, "and hes ane decreit of improbation of the haill rights and writts of his lands and heritage quhereby he is disabled to take anie course by selling of his estait for releefe of his debts." But he has entered into an agreement

with the said Earl for disposing part of his lands to him for relief of his creditors, which necessitates his coming to Edinburgh for the advice of lawyers, and this he can only do under their Lordships' protection, which he therefore craves. The Lords grant him their warrant until 15th April next. Decreta, November 1633-April 1635. Fol. 51, b.

Edinburgh, 11th February 1634. The revision of the laws.

"Missives to the commissioners for surveying of the lawes to compeir before the Counsell upon the ellevint of Marche to accept the commissioun upon thame. The counsellers present warned *apud acta*." Sederunts, November 1629-January 1635. Fol. 115, b.

Edinburgh, 13th February 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Kingorne; Lauderdaill; Annerdaill; Southesk; Bishop of Edinburgh; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Areskine; Lord Bining; Clerk Register; Advocate. Decreta, November 1633-April 1635. Fol. 52, a.

Complaint by John Keith, servitor to Mr. Thomas Nicolson, younger, advocate, against the provost and bailies of Edinburgh for going beyond their jurisdiction in placing him in ward and otherwise molesting him.

Complaint by Mr. John Keith, servitor to Mr. Thomas Nicolsone, younger, advocate, as follows:—During the time of his Majesty's being lately in Scotland some quarrells fell out between him and James Tennent, in which the said James was hurt. The complainer was thereupon brought before the Lord High Constable of this kingdome and censured, and then the provost and bailies of Edinburgh troubled and warded him for the same cause, which obliged him to procure his liberty by warrant from their Lordships, and the Lord High Constable, seeing his authority vilipended and misregard by the magistrates of Edinburgh, made remonstrance thereof to the Lords of Session and obtained decree on 23d July last declaring that the said magistrates had done wrong in judging the complainer after that he had been dealt by him. Yet, notwithstanding hereof, the provost and bailies of Edinburgh daily molest him by sending their officers to him upon the calsey when he is attending his master and threatening to commit him to ward unless he compear before them and answer for the wrong aforesaid, for the which he has already undergone censure. Charge having been given to William Reid, Robert Fleeming, Edward Ferquhar, and David McCaw, bailies of Edinburgh, for themselves and in name of the provost, and also to Archibald Halden, Constable depute, and the pursuer and Constable depute appearing personally, also Sir Alexander Clerk, provost, and the said Robert Fleeming, for themselves and in name of the other bailies, who for justification of their procedure produced an infeftment granted by King James the Third whereby for very considerable causes therein mentioned he appointed the provost and bailies of Edinburgh heritable sheriffs within themselves with as ample powers and jurisdiction as any other sheriffs within the kingdom, the said infeftment bearing date 16th November, 1482, 23d year of the said king's reign. By virtue of this right they had dealt with the pursuer; and in producing the same they protested that they did so only for the satisfaction of their lordships and not to have their rights decided in this judgment; and desired that they might Fol. 52, b.

Decreta, November 1633-April 1635. Fol. 52, b.

be remitted to the judgment of the Lords of Council and Session for the decision of their controversy with the Lord Constable and their right and possession continued till then. The Lords, having heard parties and considered the right produced and the decreet of the Lords of Session and their own warrant, find that the provost and bailies have done wrong in contravening the decreet and warrant foresaid by arresting and warding of the pursuer after being discharged thereby from so doing, and they admonish them to forbear the like unlawful procedure in time coming until they summoned the Earl of Erroll, Lord High Constable of this kingdom, to appear before the Council to hear and see their rights produced and the said provost and bailies reponed against the decreet foresaid recovered against them by the said Constable. Whereupon the said provost and bailies protested that this decreet and sentence should not be prejudicial to their rights, privileges, liberties and possession, nor to the exercise thereof, and should be no interruption of the same in their deciding and administering justice in such like cases. Further, the Lords ordain the pursuer to pay £30 to James Tennent in respect of and satisfaction for his hurt, and also to find caution in their Lordships' books for his future indemnity, under the pain of 500 merks.

Fol. 53, a.

Complaint by James Clerk, indweller outwith the West Port of Edinburgh, against Robert Young, maltsman, for charging the complainer with resetting goods stolen from the said Robert. See *ante*, p. 200.

Complaint by James Clerk, indweller outwith the West Port of Edinburgh, as follows:—Robert Young, maltman, alleging that Margaret Crawfurd, his servant, took out of his house in Edinburgh certain goods in August or September last and gave the same in keeping to Agnes Clerk, the complainer's daughter, who was then servant to Robert Gordoun, and also alleging "that after ryping made be John Lowrie, baillie of the baronie of Innerleith, there wes found of the said Robert Young's goods in the compleaners hous a cod, codwair, and twa servitts, not worth xxiiij ß. Scotish, quhilks the rypers with thair awne hands took away with thame, albeit it be most trew that the saids cods, codwair and servits were trewlie layed in pledge to the said Agnes Clerk and givin be her in custodie to the said James Clerks wife quhill the same had beene loused be payment of xxx ß. or thereby," with advice of the said bailie, his kinsman and friend, and one who for several years past has manifested great enmity against the complainer, as all the inhabitants of the West Port know, caused summon the complainer to compear before the said bailie in his court to pass upon the assise of one Duncan Simsoun "for a bloodshed," and then without any citation or indictment given to the complainer the said James "instantlie made up ditty aganis the compleaner as a ressetter of the saids goods that the said Robert Young alledged he wanted, and whereof they alledged they fand a part in the compleaners hous; and refuising always to heare anie reasoun did remitt the compleaner and the forged dittay aganis him to the knowledge of ane inqueist or assise, and as he is informed, hes caused convict and fyle him of a ressett, albeit it be most trew that there wes never a theefe followed nor declared in the said mater, and that the

Fol. 53, b.

goods found in the compleaners hous wer layed in pledge be the said Robert Youngs servant to the said Agnes whill the same wer loused, as said is." He is informed that supplication has been given in to their Lordships to appoint his doom, and that the same has been delivered back to the said bailie, "who with convocation of the hail inhabitants at the West Port upon the tent of this instant at ten houres at even come to the compleaners dwelling hous to have drawn him furth of his hous, and in the meanetime intends in the most shamefull and scandalous maner he can to defame and disgrace the compleaner, albeit ane innocent and knowne to be of good lyfe and conversatioun; and quhilk processe is summarlie deduced without anie legall forme againis the said compleaner upon verie malice to wracke and undoe him, his hous and familie." Charge having been given to the said John Lowrie and Robert Young, and they and the pursuer compearing personally and having been heard, the said bailie declaring that the pursuer "is knowne to be a commoun ressetter of theeves and stollin geir," the Lords ordain the pursuer to be committed to ward within the tolbooth of Edinburgh and there remain upon his own expenses until he shall be prosecuted criminally before his Majesty's Justice and his deputes upon such crimes as shall be laid to his charge by the defenders or any others. Decreta, November 1633-April 1635. Fol. 53, b. Fol. 54, a.

Complaint by William Maxwell of Monreith, against Alexander, Earl of Galloway, for illegal caption and warding.

Complaint by William Maxwell of Monreth, as follows:—Upon a horning raised against him in the borrowed name of Fergus Lilburn in Berintrae, but really by and at the expense of Alexander, Earl of Galloway, for not compearing before their Lordships as a witness in an action by the said Fergus against John McCulloch of Ardwell, about a band alleged to have been extorted from the said Fergus by the said John, the said Earl raised letters of caption, and on Friday last, while the complainer was attending his lawful pursuits before the Lords of Council and Session, caused apprehend him in the Exchecker House and warded him in the tolbooth of Edinburgh, where he presently remains. This he has wrongfully done, because the complainer never received a lawful charge to compear in the case foresaid or he would have obeyed, and he has found caution to appear before their Lordships this day as a witness in the said case under the penalty of £100 and to pay £100 for his escheat to the Treasurer, Treasurer Depute and Receivers of his Majesty's Rents, if he be found liable so to do. Charge having been given to the said Fergus Lilburne, and to Sir Thomas Hope of Craighall, his Majesty's Advocate, for his Majesty's interest, and the pursuer appearing personally, but none of the defenders, the Lords suspend the horning against the pursuer, he finding caution acted in the books of Privy Council in 300 merks that he will appear before their Lordships in the above matter whenever lawfully cited. Fol. 54, b.

Complaint by Richard Davidson in Tofts and Andrew Hog

Complaint by Richard Davidsoun in Tofts and Andrew Hog in Crailling, as follows:—Out of a preposterous affection to Sir James Ker of Crailling, "whome they tooke to be a man answerable in law and goods

Decreta, November 1633-April 1635. Fol. 54, b.

for whatsomever debts he would undertake," they became cautioners for him in large sums, for which they are now heavily distressed and are without hope of any relief. It is very difficult for them between terms to provide money to "outred thair debts," but they are hopeful if they had till the term that they would so clear themselves as that none of Sir James's creditors would have cause to complain of them. Charge having been given to Mr. John Rutherfurde, provost of Jedburgh, John Moscrop, Adam Ainslie, Adam Rutherfurd, Mathew Foulden, Ragwell Bennet of Chesters, Thomas Newbie, messenger, and Adam Hislop, creditors of the complainers, to compear and see a protection granted to them, and the pursuers compearing by Mr. John Sandelands, but none of the defenders compearing, Mr. John Sandelands produced a letter of continuation subscribed by Robert Halyburton, elder, John Ker, Mr. William Stirline, Andrew Dougall, Alexander Borthuick, Elspet Robertoun and Elspet Patersone, creditors of the said pursuers, whereby they supersede all personal execution on their part against them as cautioners for Sir James Ker until 1st June next. The Lords grant the pursuers their protection so far as regards the debts of Sir James Ker until Whitsunday next.

Fol. 55, a

in Crailling, who, having become caution for Sir James Ker of Crailling, are being hard pressed by their creditors. The complainers supplicate protection that they may satisfy them.

Sederunta, November 1633-January 1635. Fol. 115, b.

"A letter frome his Majestie for a ratable impositioun to be levyed and takin up for a competent stipend and dwellinghous to everie minister of Edinburgh according to the proportioun and maill of the of the said burgh. The Lords ordains the provest and bailleis of Edinburgh to be warned to Tuisday and a copie of the letter to be delyvered to thame for thair better informatioun and ansuer."

Edinburgh, 13th February 1634. Letter from his Majesty desiring that a tax be imposed on Edinburgh for the support of the ministers of the said burgh.

"Ordains Alexander Dumbar, sone to Robert Dumbar of Moynes, to remaine in toun quhill he find cautioun for the indemnitie of Archibald Torrie, messenger, and to compeir this day aucht dayes."

Alexander Dunbar, son of Robert Dunbar of Moynes.

Sederunt—Chancellor; Treasurer; Privy Seal; Mairshell; Roxburgh; Annerdaill; Lauderdaill; Southesk; Lord Areskine; Clerk Register; Advocate.

Edinburgh, 14th February 1634.

"The quhilk day a letter wes produced frome his Majestie tuicheing the furtherance of the plantation of New Scotland and ane act past thereupon accordinglie."

New Scotland.

Fol. 116, a.

"The quhilk day the Chanceller, Thesaurar, Privie Seale, Mairshell, Roxburgh, Annerdaill, Clerk Register and Advocat accepted upon thame the commissioun grantit unto thame under his Majesteis great seale dated at Theobalds, 14 *Septembris*, 1633, for passing of infeftments of New Scotland."

Anent the same.

Acta, June 1632-June 1634. Fol. 261, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Mairshell; Roxburgh; Annerdaill; Lauderdaill; Southesk; Lord Areskine; Clerk Register; Advocate.

Edinburgh, 15th February 1634.

Act of Council, on a warrant from his Majesty, for completing the number of Nova Scotia baronets with a view to further the interests of that colony.

Acta, June 1632-June 1634. Fol. 261, a.

"Forsamekle as his Majesteis late deir father of blessed memorie for the honnour of this his ancient kingdome of Scotland did grant the first patent of New Scotland to his Majesteis right traist cousine and counseller Williame, Erle of Stirline, and wes willing to conferre the title of knight baronnet npon suche of his weill deserving subjects as sould contribute to the advancement of the worke of the plantation in the said countrie, his Majestie wes pleased to give order for effectuating of the same, according to his commissioun directed to the Lords of Privie Counsell for that purpose. And his Majestie understanding perfytelie that the said erle did begin and prosecute a plantation in these parts with a farre greater charge than could be suppleed by the meanes foresaid and the rather in regard of the late discouragement of some by his Majesteis commanding the said Erle to remove his colonie frome Port Royall for fulfilling of ane article of the treatie betuix his Majestie and his brother the Frenche king, to make everie thing betuix thame to be in the estait wherein it wes before the warre, hearing that there wes a rumour givin out by some that his Majestie had totallie left his purpose to plant in that countrie as having surrendred his right thairof; and thairfoir least anie further mistaking sould arise heerupon his Majestie hes thought good heirby to cleere his intention heerin; whiche is that the said erle with all suche as sall adventure with him sall prosecute the said worke and be encouraged by all lawfull helpes thereunto alsweill by compleiting the intended nomber of baronnets as otherwayes. And whereas some of the subjects of the kingdome of England and Ireland of good qualitie, who, having takin land in New Scotland haldin of his Majestie, did accept of the said dignitie there, and wer obliged to contribute als muche toward the said plantation as anie others in that kynde, wer putt to greater charges at the passing of thair rights than the natives of this kingdome wer at in the like caises, thairfoir his Majestie hes thought meit heirby to declare his royall will and pleasure that whensoever anie of his Majesteis subjects of qualitie fitt for that dignitie within the kingdoms of England or Ireland, having takin land haldin of his Majestie in New Scotland and having agreed with the said erle for part of a supplee towards the said plantation and that it is signified so by him to the saids Lords of Privie Counsell that till the nomber of baronnets formerlie condescended upon be compleit the saids Lords sall accept of thame and give order that thair patents be past at als easie a rate as if they were naturall borne subjects of this kingdome. And the saids Lords ordains letters to be direct charging officers of armes to pas and make publication heirof be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull wherethrow nane pretend ignorance of the same. Followes his Majesteis missive for warrand of the act abonewritten:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, trustie and weilbelovit coun-

Fol. 261, b

Acta. June 1632-June 1634. Fol. 261. b.

sellers, and trustie and weilbelovit, we greit yow weill. Whereas our lait deir father for the honnour of that his ancient kingdome did grant the first patent of New Scotland to our right trustie and right weilbelovit cousine and counseller, Williame, Erle of Stirline, and wes willing to conferre the title of knight baronnet on suche of his weill deserving subjects as sould contribute to the advancement of the worke of the plantation in the said countrie, we wer pleased to give order for effectuating of the same according to our commissioun directed to yow for that purpose. And understanding perfytelie (as we doubt not but is weill knowne to yow all) that the said erle did begin and prosecute a plantation in these parts with a farre greater charge than could be suppleed by the meanes foresaid and the rather in regarde of the late discouragement of some by commanding him to remove his colonie frome Port Royall for fulfilling of ane article of the treatie betuix our brother the Frenche king and ws to make everie thing betuix us be in the estait wherein it wes before the warre, hearing that there wes a rumor givin out by some that we had totallie left our purpose to plant in that countrie as having surrendred our right thairof; least anie further mistaking sould arise heerupon we thought good heirby to cleere our intentioun therein, whiche is that our said erle with all suche as sall adventure with him sall prosecute the said worke and be encouraged by all lawfull helpes thereunto als weill by compleiting of the intended nomber of knight baronnets as otherwayes. And being informed that some of our subjects of good qualitie in this our kingdome and Ireland who having takin land in New Scotland haldin frome us did accept of the said dignitie there and wer

Fol. 262. a.

obliged to contribute als muche toward the said plantation as anie other in that kynde wer putt to greater charges in passing of thair rights than the natives of the kingdome wer in the like caise, it is our pleasure that whensoever anie of our subjects of qualitie fitt for that dignitie within this our kingdome or of Ireland having takin lands holdin of us in New Scotland and having agreed with our said erle for thair part of a supplee toward the said plantation and that it is signified so by him unto yow, that till the nomber of baronnets formerlie condescended upon be compleit yow accept of thame and give order that thair patents be past at als easie a rate as if they wer naturall subjects of that our kingdome. And this yow make knowne to suche persons and in suche maner as you sall in your judgements think fitt, for doing whairof these presents sall be your sufficient warrand. Frome our court at St James, the 27 of September, 1633."

Commission for passing infeftments of lands in New Scotland.

"The whilk day George, Erle of Kinnoull, Lord High Chanceller, William, Erle of Morton, Lord High Thesaurar, and Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, Williame, Erle Mairshell, Robert, Erle of Roxburgh, Johne, Erle of Annerdaill, Sir Johne Hay, Clerk of his Majesteis Registers, and Sir Thomas Hope of Craighall, his Majesteis Advocat, accepted upon thame the commission grantit unto

thame under his Majesteis great seale dated at Theobalds, 14 Septembris, 1633, for passing of infeftments of New Scotland." Acta, June 1632-June 1634. Fol. 262, a.

Edinburgh, 18th February 1634.

Sederunt—Chancellor; Privy Seal; Glasgow; Wintoun; Perth; Roxburgh; Southesk; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Clerk Register; Advocate.

Proclamation against eating of flesh in Lent.

"Forsamekle as the slaying, selling and eating of flesh in tyme of Lent hes beene upon verie good respects and considerations by diverse acts of parliament and Secreit Counsell straitlie prohibite and forbiddin within this kingdome under certane paines mentiouned and conteanit in the same acts; nevertheles the Lords of Secreit Counsell ar informed that diverse persons of all rankes and qualiteis, preferring thair awne privat contentment to the obedience of the law, ceasses not in tyme of Lent to slay, sell and eate fleshe at thair pleasure, to the great hurt of the commoun weale and contempt of all good order and governement. And whereas the persons offending in this kynde presoomes of oversight and Fol. 262, b. impunitie be reasoun of the connivence alledged shawin to thame in tyme bygane, whilk is ane great inducement to thame to continew in thair wilfull contempt and breake of the law, thairfoir the Lords of Secreit Counsell hes resolved that with all rigour and extremitie they will execute the law aganis all suche persons as darre heerafter presoome to violat the same in this point; and thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects of what estait, qualitie or degree soever they be, be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull, that nane of thame presoome nor take upon hand during this forbiddin tyme of Lent to eate or make readie for eating anie kynde of fleshe under the panes following to be uplifted of everie person contraveening so oft as they failyie; that is to say, of every erle ane hundreth punds, of everie lord ane hundreth merkes, of everie baron fourtie punds, of everie burges, oastler and commoun cooke that sellis meate and drinke fourtie punds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed: As alsua that no fleshers presoome nor take upon hand to sell or slay fleshe during the tyme foresaid of Lent under the pane of fourtie punds so oft as they failyie: And by and attour the payment of the pecuniall soumes foresaids the offenders sall be punished in thair persons at the discretion of his Majesteis counsell: And siclyke to command and charge all and sindrie shireffs, stewarts, provests, and bailleis within burgh and all others bearing anie publict office and charge within the kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictions have a speciall care and regarde to see this present act observed in everie point, and where they sall happin to discover anie person or persons contraveening thir

Acta, June 1632-June 1634. Fol. 262, b.

presents that they take notice of thair names and informe his Majesteis Counsell thairof to the intent the offenders may be callit to thair answer and punished accordinglie."

Fol. 263, a.

"CHARLES R.—Charles, be the grace of God King of Great Britaine, France and Ireland, defender of the faith, to all and sindrie our lieges and subjects whome it effeiris to whois knowledge thir our letters sall come, greiting. Forsamekle as we have givin and grantit and be the tennor heirof gives and grants libertie and licence to the Lords of our Privie Counsell, Sessioun and Exchecker and to such as sall accompanie thame to eate flesh during this forbiddin tyme of Lent and upon Wednisday, Fryday and Saturday for the space of ane yeere nixt after the dait hereof without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding whatsomever acts and proclamations made in the contrare, whereanent and all panes conteanit therein we dispense be thir presents; discharging heirby our Justice, our Advocat, and Justice Clerk, and all others our judges, officers and ministers of our lawes of all calling, accusing or anie wayes proceeding aganis the saids Lords of our Privie Counsell, Sessioun and Exchecker and persons accompanying thame at table, as said is, or anie of thame for the caus foresaid; discharging thame thairof and of thair offices in that part *simpliciter* be thir presents, givin under our signet at Edinburgh, the auchtene day of Februar, and of our reigne the nynt yeere, 1634. *Sic subscribitur*, Morton, Hadinton, Glasgow, Winton, Perth, Annerdaill." License to the Council to eat flesh in Lent.

Sederunts, November 1633-January 1635. Fol. 116, a.

"The quhilk day the provest and bailleis of Edinburgh compeirand personallie tooke this day twentie dayes to ansuer his Majesteis letter anent thair ministers stipends." Edinburgh, 18th February 1634. The stipends of the ministers of Edinburgh.

"Alexander Narne of Sandfurde added to the nomber of the justices of peace within the shirefdome of Fyffe." Alexander Nairn of Sandfurde made a justice of the peace.

"Certane orders established anent the justices of peace within the shirefdome of Narne." Justices of the peace in Nairn.

Decreta, November 1633-April 1635. Fol. 55, b.

Sederunt—Treasurer; Privy Seal; Glasgow; Winton; Perth; Linlithgow; Annandaill; Dumfreis; Southesk; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Bining; Master of Elphinston; Clerk Register; Advocate. Edinburgh, 20th February 1634.

Complaint by Mr. Archibald Camroun, minister at Inchecallioch, as follows:—For over twenty years he has been minister at this church, and has striven, amid many difficulties, to maintain a peaceable ministry, so that "in peace and quyetnes he might discharge his calling to the confort of these people over whome it hes pleased God to make him overseer." But all his weak endeavours have proved, and are like to prove ineffectual owing to the violent and masterful oppression of Sir John Buchannan of that Ilk, George Buchannan, apparent thereof, John Complaint by Mr. Archibald Cameron, minister at Inchcallioch, against Sir John Buchanan of that Ilk and others for violent and illegal conduct towards him. The dispute is

settled to the satisfaction of both parties.

Grahame, called Rednoche, now in the West Mains of Buchannan, chamberlains and factors to the saids Lairds of Buchannan, elder and younger, and William Blair of Finwick, who combine either to debar him wholly from his ministry or make it unprofitable to the parishioners. For this purpose they have withheld his stipend and other dues, for non-payment of which they have been twice put to the horn, viz., in August, 1631, and March, 1632; and now again lately in November, 1633, the said Sir John is denounced for non-payment of the said stipend and not relieving the complainer of his Majesty's taxations; and further being charged to find caution for his indemnity, they disobeyed, and were again put to the horn in January and December, 1632; all which they neglect as if they were not subject to the King, law or justice. And, further, they oppress him with all the rigour, malice and extremity they can devise. They debar him from possession of his glebe, which he only recovered after thirteen years, process before the Lords of Council and Session and at great expense, but which they have since, for some seven or eight years, laid and held waste, threatening with death all who would help him in labouring the same; and, when in 1632 he had caused till his said glebe, he durst not sow it for fear of his life. All this time he has been forced to make his abode in the town of Dumbartane, which is seven miles distant from any part of his parish, and he could never reside at his own kirk. When on one occasion he resolved to repair his manse at the said kirk, so that he might live there, and had agreed with craftsmen for the work, having sufficient timber upon his own glebe to accomplish it, the said John Grahame of Rednoche, Robert Buchannan in Arachmoir, Finlay McMoreis there, John McNair, *alias* Miller, at the Mylne of Buchannan and John Crokkit in Achinkyle, tenants of the said Sir John, came at his bidding on 7th February, 1632, to his said glebe and manse and cut and carried away the whole timber with which he should have repaired the manse, so that he is unable "in anie caise to reside within his parish, to the dishonnour of God, disgrace of the gospell, trouble to the compleaner, and greefe of his parochiners." When, on 10th February last, the complainer demanded of the said John Grahame why he had thus cut and taken away his timber, "he, in face of the haill congregation being conveenned for the tyme after the preaching, avowed that as he had begun he would continew, protesting with manie fearefull oathes that he sould give his life before the compleaner gott ane sticke there to big his manse." Further, John Hart, the complainer's kirk officer, having by means of a contribution from the Kirk-session built a boat for ferrying the complainer and others, the parishioners and country people, over the Water of Enrick to the kirk, which is within a bow-shot of the water, the said George Buchannan, knowing that the complainer "behoved to come everie Sabboth day be the space of sevin myles frome Dumbartane to the said boate, and that if he wer disappointed thereof he behoved to goe other three myles

Decreta, November 1633–April 1635. Fol. 55, b.

Fol. 56, a.

Fol. 56, b.

Decreta, November 1633–April 1635. Fo. 56, b.

about throw mosses and mures," discharged the said officer, keeper of the said boat, under all highest pain, from ferrying the complainer; and so upon the 10th and 17th November last, "being Sunday," when he came to the said passage "within a bow-shott to the kirk," and on the 17th, when Robert Martine, the complainer's own servant, had got passage, the said officer, by direction of the said George, refused to take the complainer, and thus forced him to make the detour of three miles "throw mosses and mures and pas the said water to the endangering of his lyfe, being sore wearied with dangerous travelling." By which shameful and violent oppressions he "is reduced to great necessite, his poore flocke frustrat of the confort of his ministrie, and encouragement givin to persons wickedlie disposed to runne at random in all impietie in hope of connivence and oversight." Charge having been given to the said Sir John Buchannan of that Ilk, George Buchannan, apparent of that Ilk, John Grahame of Rednoche, John McNair *alias* Miller, John Fol. 57, a. Dowlear and Robert McAndrow to compear upon a bygone day, and these having been called on the 18th instant, there compeared the pursuer, John Grahame and George Buchannan, who said he would answer for his father and the remanent defenders, when George Buchannan and the pursuer agreed to submit all the points of this complaint and the adjustment of terms for their living in peace and quietness in time coming to the decision of Patrick, Archbishop of Glasgow, and Adam, Bishop of Dumblane, who accepted the reference and appointed the 19th instant to the parties to appear before them for consideration of their matter. And the case being again called this day the saids judges arbitrators reported to the Lords that they had met with the parties, Sir John Buchannan being also personally present and undertaking to abide by their decision, and had heard them at great length, and they now declared as their sentence that Sir John Buchannan should pay to the pursuer £400 for the tack duty of the teinds of his lands of Inchecallioch for the year 1633, the pursuer giving him a sufficient discharge for the same; also that Sir John pay to the pursuer before Whitsunday next £300 which he is due to him by bond, and find caution for doing the same; further, Sir John shall relieve the pursuer Fol. 57, b. of the taxation of the parsonage of Inchecallioch for the years 1631, 1632 and 1633, by either paying over the said tax to the pursuer or reporting a discharge from the collectors to him before Whitsunday next. And for this and the payment of £300 the said John Grahame became cautioner for Sir John. Further, they ordained the said George Buchannan to pay to the said Mr. Archibald the sum of £200 formerly modified by the Council to be paid him in this matter before Whitsunday next, which he enacted himself to do precisely; and they enjoined the said Lairds of Buchannan, elder and younger, for themselves and all their dependents, to suffer Mr. Archibald to have the use of the boat for his transport to the kirk, as others have, and not to molest him in the

peaceable using of his glebe. The Lords, having considered this report, approve the same, and interpone their authority so that it may have the strength of an Act of Council, being registered in the books of Council; and in respect of this agreement, they, with the pursuer's consent, assoilzie the whole defenders from this pursuit. Decreta, November 1633-April 1635. Fol. 57, b.

Supplication by the inhabitants and freemen dwelling above the Greyfriars' Wynd in the city of Glasgow for the establishment of a market above the said wynd.

Supplication by the inhabitants and freemen who dwell above the Grayfrier Wynd of the city of Glasgow, as follows:—In the month of June, 1594, they petitioned the Estates of Parliament then in session at Edinburgh for the establishing of a market above the said Wyndhead "for support and releefe of the supplicants, thair wyffes, famileis, and barnes, and uphalding of thair houses and lands, the same being the most commodious and cheefe part of the said citie for recept of his Majestie and his Court when occasioun sall offer of his repairing in the countrie, quhilks ar now altogidder become ruinous and almost decayed, be reasoun of the removing of the clergie therefra since the reformatioun of the religioun that susteanned and upheld the same of before." Thereupon commission was given by his Majesty and the Estates to Walter, Prior of Blantyre, Lord Privy Seal, Robert Boyd of Badinhauche, David Forsythe of Dykes, the ordinary ministers and the provost and bailies of the said city, or the most part of them, to remove the "beir and malt mercat frome the place where it presentlie stands and to establishe the same abone the wynd heid of the said citie, and to remove the salt-mercat to the old statioun where it stood for the commoun benefite of the haill inhabitants of the said citie." The supplicants have often desired the said ministers and provost and bailies of Glasgow, as being the most part of the said commissioners to give effect to this commission, but they have hitherto "drifted and delayed" the matter. The supplicants crave that their Lordships would ordain the said commissioners to carry out the commission and desist from further impeding the same. The Lords remit to Patrick, Archbishop of Glasgow, to travel between the parties for the settling of the said markets, and if he cannot succeed to report to them in whose default this arises, so that they may take further order therein. Fol. 58, a. Fol. 58, b.

Supplication by John, Earl of Cassillis, bailie-principal of Carrick, for the advice of the Council anent the trial of Thomas Cowdoun for an unnatural crime.

Supplication by John, Earl of Cassillis, bailie principal of Carrick, and his deputes, as follows:—Thomas Cowdoun, servitor of John Mure in Carnay, having been apprehended within the supplicant's bounds for the crime of "conversing with a meir," and having confessed the same in the presence and hearing of several honest and famous persons, their lordships granted a commission to the supplicants for his trial. They accordingly appointed a justice court to be held at Maybole on 7th February instant, and the prisoner being entered and charged, "he past impudentlie frome his former confessioun and onelie grantit that he had a purpose and intentioun to committ the fact and that no forder followed thairupon." The assize was divided, four convicting him of both the intention and the fact, and ten of the intention only; and as the suppli-

Decreta, November 1633-April 1635. Fol. 58, b.

cants know not how far they may lawfully proceed upon such a conviction they have postponed giving sentence until they could consult their Lordships thereon. The Lords, in respect that in the face of the prisoner's denial proof cannot be obtained of the fact, ordain the said bailie of Carrick and his deputes to pass sentence of banishment upon the said Thomas Cowden, who is never to return to this kingdom under the pain of death. They are to allow him some days for his departure.

Acta, June 1632-June 1634. Fol. 263, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Winton; Annerdaill; Lauderdaill; Dumfreis; Southesk; Clerk Register; Advocate; Sir James Baillie. Edinburgh, 22nd February 1634.

" The whilk day the letter underwrittin signed be the Kings majestie and directed to the Lords of his majesteis Privie Counsell wes produced before the said Lords be George, Erle of Kinnoull, Lord High Chanceller of this kingdome, and read in thair audience, of the whilk the tenor followes:—CHARLES R.—Right trustie and weilbelovit cousine and counCounseller, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. In regard of the great prejudice likelie to ensew by diminution of the rent raised to us upon coale transported frome this our kingdome if there be not some reasonable imposition layed upon coale transported frome that our kingdome in like maner that there be no suche disparitie of prices betuix thame when they ar sold in forrane parts as they ar for the present, everie chalder that goeth frome hence paying unto us twelfe shillings foure penneis sterling, whiche notwithstanding is no impediment to the transporting of thame, bot by tyme breeding a great skarsetie at home may make manie to suffer where now a few onelie ar benefited by venting of thame abrod; yitt we are willing that there be a difference of the imposition there frome what is takin heir in respect of considerations that necessarlie concerne the estait of the severall kingdomes; thairfoir being content that the one halfe onelie of that imposition be takin there, our pleasure is that six schillings sterline money be imposed to our use upon everie suche quantitie of all coales whatsoever transported frome thence into anie part beyond the seas not being of our dominions as will be answerable in proportioun to the water measure of the chaldron of sea coale used at Newcastell upon Tyne; and that yow give order to our Advocat to draw up for our signature suche warrand and order for laying and leveying of that imposition to the use of us and our successors at all tymes heerafter as yow to that purpose sall thinke fitt, and thereafter lett it be furthwith sent to us docquetted by our Advocat, for whiche these sall be unto yow and him sufficient warrand. We bid yow farewell. Frome our court at Whitehall, the 17 of Februar, 1634. For obedience of the quhilk letter the saids Lords ordains his Majesteis

Letter from his Majesty desiring that six shillings sterling instead of twelve be paid on the export of every chalder of sea-coal.

Fol. 263, b.

Advocat to draw up for his Majesteis signature suche warrand and order for laying and leveying of the said imposition to the use of his Majestie and his successors at all tymes heerafter to the intent it may furthwith be sent to his Majestie docated be the said Advocat." Acta, June 1632–June 1634. Fol. 263, b.

Direction to the guardians of the late Earl of Buccleugh's children to send procurators to the Court for the settlement of the dispute between Francis Stewart, son of the late Earl of Bothwell, and the Earls of Buccleugh and Roxburgh. See Index to Vol. II. (Second series.)

"Forsamekle as the Kings Majestie hes tane great panes for sattling of the differences betuix the Erles of Roxburgh and Buccleuche and Francis Stewart, sone to the lait Erle Bothwell, and his Majestie is very willing after so long a tyme that all possible meanes be used for putting these differences to a finall determination, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the persons underwrittin, tutors and curators and others to whome the said late Erle of Buccleuche his childrein and thair estait ar entrusted; they ar to say, Sir Johne Scot of Scottistarvet, Sir Williame Scot, of Harden, Laurence Scot, advocat, Mr Williame Scot, his sone, Robert Scot of Hartwodmyre, Hew Scot of Galloscheillis, and Francis Scot his brother, and Williame Scot, sone naturall to the said Erle, to compeir personallie before the saids Lords upon the xxv day of Februar instant, to the intent they may draw up a procuratorie or factorie in thair names giving power to suche of Fol. 264 a. thair awne nomber as they sall thinke fitt, who may stay at Court and who ar best acquainted with the estait of the bussines, to sattle and finallie compose the same in his Majesteis presence, and the same being legallie and perfytelie done to be delyvered to the Erle of Roxburgh that at his coming to Court these maters may be fullie concluded, under the pane of rebellion, &c., with certification, &c. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers and trustie and weilbelovit counsellers, we greit yow weill. Having beene pleased to take upon us great panes for sattling the differences betweene the Erles of Roxburgh and Buccleuche and Francis Steuart, sone to the lait Erle of Bothuell, and being most willing after so long a tyme that all possible meanes be used to putt thame to a finall determination, we doe heirby require yow to call before yow the tutors and curators and others to whome the lait Erle of Buccleuches childrein and thair estats are entrusted, requyring thame in our name to draw up a procuratorie or factorie in thair names giving power to suche of thair awne nomber as they sall thinke fitt who may stay heir and who ar best acquainted with the estait of that bussines to settle and finallie compose in our presence the saids differences betweene the Erle of Buccleuches childrein and the said Francis, that the same being legallie and perfytlie done be delyvered to the Erle of Roxburgh that at his coming hither these maters may be fullie concluded; whiche speciallie recommending to your care, we bid yow farewell. Frome our Court at Whitehall, the 12 of Februarie, 1634."

Decreta, November 1633-April 1635. Fol. 59, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Mairshell; Winton; Perth; Murrey; Roxburgh; Annandaill; Lauderdaill; Dumfreis; Southesk; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Bining; Clerk Register; Sir James Bailie. Edinburgh, 25th February 1634.

Supplication by Sir James Baillie of Lochend and other creditors of Alexander Hamilton, that protection may be granted to the said Alexander in order that he may satisfy his creditors.

Supplication by Sir James Baillie of Lochend, knight, James Richartsone of Smetoun, Robert Achinmowtie, servitor to the Earl of Wemes, James Dowglas of Lugtoun, John Schaw, John Meyne, Stevin Boyd, and Robert Chrystie, merchants, burgesses of Edinburgh; Andrew Whyte of Markill, George Aitkine, Robert Ker, and Jonn Mure in North Bervick, creditors of Alexander Hamilton, son of Sir Alexander Hamilton of Lawfeild, as follows:—The said Alexander is indebted to them in certain sums of money and they understand that he is well minded to give them all possible satisfaction if he were at liberty to go about and deal with them to this end. They have therefore agreed to supersede all legal execution against him till 31st March next, but the said Alexander is unwilling to trust to this alone and desires their Lordships' protection before he will come in, and this they therefore crave. The Lords grant their protection to the said Alexander Hamilton until 31st March next.

Similar protection to James Mathieson.

"The like protectioun prorogat to James Mathesoun till the terme of Whitsonday nixt."

Sederunts, November 1629-January 1635. Fol. 116, b.

Edinburgh, 25th February 1634.

Monopoly of making steel granted to Sir James Galloway and Richard Ferar, Esquire.

"The quhilk day a patent under his Majesteis hand givand to Sir James Galloway and Richard Ferar, Esquire, the sole previledge and power of making of steele for the space of threttie one yeeres, being produced, red and heard in Counsell, the same wes allowed and past."

Day assigned to coal-owners for giving in their objections to the new tax.

See *ante*, p. 217.

"The Lords assignis this day aucht dayes to the Erle of Weemes, Lord Sinclar, Tuliallan, Alexander Bruce and Mr Alexander Hamiltoun for tharne selves and in name of the rest of the coale maisters, and to William Dick, John Sinclair and Mr Alexander Guthrie for the toun of Edinburgh and in name of the borrowes, to give in thair reasons aganis the imposition commandit be his Majestie to be upliftit of the coale transported from this kingdome."

Sederunt—Privy Seal; Glasgow; Linlithgow; Kingorne; Annerdaill; Southesk; Bishop of Edinburgh; Bishop of Murrey; Bishop of Dumblane; Melvill; Advocate. Edinburgh, 27th February 1634.

Decreta, November 1633-April 1635. Fol. 59, b.

Sederunt—Chancellor; Treasurer; Privy Seal; Mairshell; Murrey; Winton; Perth; Kingorne; Roxburgh; Annerdaill; Lauderdaill; Dumfreis; Bishop of Ros; Bishop of Dumblane; Melvill; Lord Bining; Clerk Register; Advocate. Edinburgh, 4th March 1634.

Complaint by Christian Stewart,

Complaint by Christian Stewart, widow of John Mowat of Huguland and daughter of the deceased Robert, Earl of Orkney, and James Mouat of

widow of John Mowat of Huguland, against Gilbert Mowat, her brother-in-law, and others for assault and preventing her from collecting the duties of her liferent lands.

Ure, her brother-in-law, as follows:—On 27th July, 1631, when the said Christian was in the isle of Papa with some of her servants collecting the duties of her liferent lands there, as she has been in use to do since the death of her said husband, at the instigation of James Sinclair of Quendaill and Mr. Gilbert Mowat, her "unnatural brother-in-law," Patrick Umphra of Sand, and Gilbert Cogill of Gardie, came to her, and without any occasion given by her, "and without respect to her age and parentage patt violent hands in her person, gave her manie bauche straikes in diverse parts of her bodie, strake her to the ground where she being lying swowning in pitifull maner the saids persons verie barbarouslie tred and tramped upon her with thair feit and thereafter violentlie reft frome her servants the dewteis quhilks they had receaved frome her tennents." Further, the said Mr. Gilbert, not content with this, resolved "to wracke the gentlewoman," with Mr. James Mowat, his eldest son, John Anderson, hangman ("who hanged his awne father, being the said Mr Gilberts domestick servant"), Mans Mowat, James Irwing in Muros, Daniel Rasimsoun in Oxinsetter, Daniel and Malcolm Mowat in Collafirth. Michael Pitcairn in Housatter, Christopher Michelsone in Quoyfirth, John Hall in Norwick, Donald Nicolsone in Clodasetter, Gregor Johnestoun in Soulem, Harie Anderson in Hamer, Bert Williamesoun in Vrafirth, and Henry Finlasoun in Skalloway, and others of the lieges to the number of persons, armed with swords, staves and other weapons, came under cloud and silence of night to the lands of Remshell belonging to the said Christian and violently reft and took away thence twelve oxen pertaining to the complainers; moreover the said Mr. Gilbert, "out of ane imperious and tyrannicall humour," has discharged the tenants of her lands of Oliberrie, which were disponed to her by her late father, from giving her any days' work, in consequence whereof for the past twelve years these lands have "lyin ley to her heavie hurt and prejudice." When the said James Mowat, her brother-in-law, lent her six oxen to labour these lands (which formerly were four ploughs but are now only one plough of land) the said Mr. Gilbert, accompanied by the foresaid persons, came thither on . . . and not only violently reft and took away the said oxen, "bot with that cruellie hurt and woundit the said Christiane with rungs upon the head and others parts of her body." Charge having been given to the said James Sinclair, Patrick Umphra, Gilbert Cogill, Mans, Daniel and Malcolm Mowats, James Irwing, Daniel Rasimsone, Michael Pitcarne, Christopher Michaelsone, John Lyell, Donald Nicolsone, Gregor Johnestoun, Harie Andersone, John Andersoun, Robert Williamesoun, and Henry Finlasoun, but none of them compearing, the Lords ordain them to be denounced rebels and escheated.

Decreta, November 1633-April 1635. Fol. 59, b.

Fol. 60, a.

Another complaint by the said Christian Stewart and her family

Another complaint by the said Christian Stewart, Robert Mowat, her son, and Magdalene Androisdaughter, spouse to Robert Fraser, her tenant, as follows:—Mr. Gilbert Mowat, minister at North Mabein, brother of the husband of the said Christian, "being unmyndfull of the

Decreta, November 1633-April 1635. Fol. 60, b.

against Mr. Gilbert Mowat, minister at North Mabein, and others for outrages committed against the tenants of complainer.

manie good offices done to him be her said husband in breeding him at the schooles and other wayes promoving him in his studeis, he hes now after her said husbands decease most unthankfullie recompensed his loving and kynde dealing toward him with maine unnaturall and undewtifull outrages, intolerable in a person of his profession." As, for example, on 13th July, 1630, he, accompanied by Mr. James Mowat, his son, John Andersoun, their servant, Thomas Mowat, his son, Mans Mowat, Robert Williamesoun in Vrafirth, Andrew Andersoun in Hamer, Thomas Rasimssoun in Orabister, John Lyell in Norwick and Henry Sinclar of Swming, with others of the lieges armed with swords and other weapons, came to the said Christian's liferent lands of Papagurds, of which her late husband had heritable tacks from gentlemen of Norway, the proprietors thereof, and "imperiouslie, without anie right or warrand, commanded the compleaners tennents of the same lands to pay unto thame the dewteis and maills thairof," and, the tenants refusing, "they forciblie brake up the tennents doores, entered within thair houses and medled and intromitted with thair haill goods and gear." Again, on July, 1631, these persons, "with sindrie others brokin men in great troupes come under cloud and silence of night to the saids lands of Papa, violentlie brake up the tennents doores, tooke and apprehended the said Magdalene Fraser, being ane poore woman, caried her perforce with thame as ane malefactor to the jogs where they intended disgracefullie to have putt her in the same if they had not beene stayed. And the said Robert hearing heirof, and having come to the said Mr. Gilbert, his uncle, and regraited that his mother and her tennents sould be thus used, he and his complices for this onelie caus gave him manie bauche and blae straikes in divers parts of his bodie, tooke his sword frome him and brake it in peeces. And the said Katharine [sic] having compleanned heirof to James Mowat of Ure, her brother-in-law, unto whois protection her husband had left her, and he, having writtin certaine letters to some burgomaisters in Norway to advertise the heretours of the saids lands of Papa there of the said Mr Gilbert his cariage aganis the said Christiane, and having delyvered thir letters to Andrew Sinclair in Bullasetter to have beene carried be him to Norway, how soone the said Mr Gilbert gott notice heirof he dealt with Henrie Sinclair
Fol. 61, a. of Swming, who wes to go to Norway in ship with the said Androw to intercept the saids letters, who accordinglie, when the said Androw wes sleeping, staw the letters out of his powtche and brought the same to the said Mr Gilbert," Charge having been given to the said Thomas and Mans Mowat, John and Andrew Andersoun, Robert Williamesoun, Thomas Rasimsoun, John Lyell and Henry Sinclar, and Christian Stewart compearing personally for herself and the other pursuers, but none of the defenders obeying the citation, the Lords ordain the latter to be put to the horn and escheat.

Supplication by James Lyon of Auldbar and others for protection to George Lammie of Dunkenie and William Halyburton of Kincapell that they may satisfy their creditors.

Supplication by James Lyoun of Aldbar, Frederick Lyoun of Brigtoun and Mr. David Lindsay of Pitscandlie, cautioners for George Lammie of Dunkenie, and William Halyburton of Kincapell, as follows:—They are engaged to several persons in certain sums of money on behalf of these two gentlemen and are very willing to satisfy their claims, but, as these two gentlemen dare not appear in public so as to give information in the making count and reckoning, the supplicants cannot proceed therein unless their Lordships grant a protection to the said Lairds of Dunkenie and Kincapell. This they accordingly crave, and the Lords grant the same to them till 1st August next. Decreta, November 1633-April 1635. Fol. 61, a.

Like protection to David Barclay of Mathers.

"The like protectioun grantit to David Barclay of Mathers untill the first day of August nixt." Fol. 61, b.

Complaint by James Clerk, maltster at the West Port, against John Lawrie, bailie of the barony of Dalry, whom he accuses of unjustly condemning him for reset. See *ante*, p. 207.

Complaint by James Clerk, maltman at the West Port, as follows:—John Lawrie, bailie of the barony of Dalry outwith the West Port of Edinburgh, maliciously, on the information of Robert Young in Edinburgh and the advice of the baron clerk, searched the complainer's dwelling for goods alleged to have been stolen from the said Robert Young by Margaret Crawfurd, his servant, and finding "ane old cod, codwair and twa servits" (which they alleged belonged to Young, and which the complainer never before saw or knew of, as they had been pledged by Margaret Crawfurd with Agnes Clerk, the complainer's daughter, servitrix to Robert Gordoun in Edinburgh, for ale or lent money, some 36s., as the said Margaret showed to Robert Young before the search was made, but whom he kept in the house until the bailie had cast the complainer into prison at the West Port), the said bailie without any theft being declared or giving him a copy of his indictment summarily sent him to the trial of an assize, who, as the bailie alleges, convicted him of reset of theft. The bailie then petitioned their Lordships to define a proper sentence, and the complainer also petitioned for the annulment of the conviction and that he might be heard in his own defence. But this notwithstanding the said bailie with convocation of his friends at the West Port, and of the common people there, who all stood in dread of him, has alleged a number of instances of theft and reset of theft against the complainer which he offers to prove, although no person injured has compeared or can compear to make good the same. Fol. 62, a. All they can condescend on are these things formerly named, the cod, codwair and servets, pledged with his said daughter, and only had in keeping until they should be redeemed. Their Lordships accordingly continued the case, and therewith also the complainer's action against John Blacke, who at the said John Lawrie's command, accompanied by a great number of West Port people, drew the complainer out at the window of a house in King's Stables, which is outwith the West Port, and strake and dang him to the effusion of his blood. Further, their Lordships committed the complainer to the tolbooth of Edinburgh until his accusers pursued him criminally before the Justice-General for reset,

Secreta, November 1633-April 1635. Fol. 52, a.

which they undertook to do, and to give him a copy of his indictment for the use of his advocates; but they delay obedience, to his great hurt, disgrace and injury. Charge having been given to the said John Lawrie, and Robert Young, and to Mr. John Adamesoun, Edward Cunynghame, sometime bailie of the West Port, and the said John Blacke, and they all, with the exception of Mr. John Adamesoun, compearing along with the complainer and having been heard, the said Robert Young took the 19th March instant for the prosecution of the complainer before the Justice. The Lords accordingly ordain him to deliver a copy of the indictment to the complainer on the 11th and to prosecute on the 19th under penalty of the payment of the complainer's expenses while in the tolbooth of Edinburgh on this charge.

Sederunts, November 1629-January 1635. Fol. 116, b.

"A letter frome his Majestie conteaning certane overtours to be established among the chirurgians and thair apprentises, quhairanent ordains the doctors of medicine to be callit." Edinburgh, 4th March 1634. Anent surgeons and their apprentices.

"The Lords ordains his Majesteis Advocat to draw up a signature for his Majesteis hand tuicheing the impost of sax shillings sterline to be layed upon the chalder of coale transported furth of this kingdome and to exhibite the same to the Counsell upon Thursday nixt to the effect the Counsell may be advised with the draught thairof before the same be sent up to be signed be his Majestie." Anent the tax on coal. See *ante*, p. 219.

"The quhilk day the awners of the coalehewes and the burrowes gave in thair reasonis aganis the imposition commanded to be layed upon the coale of this kiugdome transported beyond sea." Anent the same.

Acts, June 1632-June 1634. Fol. 264, a.

Sederunt — Chancellor; Treasurer; Privy Seal; Kingorne; Roxburgh; Annerdaill; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Binning; Melvill; Clerk Register; Advocate. Edinburgh, 6th March 1634.

"The Lords of Secreit Counsell hes assigned and be the tennour heirof assignes to Johne, Lord Torphichin, who wes personallie present, this day eight dayes for cleering to the saids Lords that the superioriteis of the lordship of Torphichin ar of a different nature frome the superioriteis of others erections annexed to the crowne, and that thairfoir they aucht not to be comprehended in the act of annexation." Anent the lordship of Torphichen.

Fol. 264, b.

"The whilk day Sir Thomas Hope of Craighall, his Majesteis Advocat, produced and exhibite before the Lords of Privie Counsell ane signature for his Majesteis hand toucheing ane impost of fiftie sevin schillings aucht pennies Scotish to be takin of the chalder of coale transported furth of this kingdome beyond sea,—whiche being read in audience of the saids Lords they ordained the same to be docquetted be his Majesteis said Advocat and sent up to his Majestie inclosed in a letter whiche wes this day subscryved be the saids Lords, of the whilk the tennour followes:—Most sacred soverane, In humble obedience Signature anent the impost on coal.

Letter of Council to his Majesty anent the same.

Acta, June 1632-June 1634. Fol. 264, b.

of your Majesteis royall command conteanit in your letter direct unto us of the 17 of Februar last tuicheing the imposition of sax shillings sterline upon everie chalder of coale answerable to the measure of Newcastell transported frome this kingdome beyond sea, we gave present order to your Majesteis Advocat to draw up ane signature of the same for your Majesteis hand, being ane impost of lvij ß. viij ₰. Scotish money to be imposed upon ilke chalder of coale of Scotish measure whiche wes found to be proportionable to the direction conteanit in your Majesteis letter; and he, having carefullie performed and exhibite the same unto us to be sent up to your Majestie, in the meane tyme some of the coalemaisters and commissioners of the burrowes getting notice of this imposition and apprehending their awne interesse and prejudice therein they offered unto us thair greevances and reasons in writt anent the said imposition earnestlie desyring us to recommend the same unto your Majesteis gracious consideration; wherein we have forborne to meddle, finding it more agreable to our dewtie to satisfie your Majesteis command nor to hearken to thair petition whiche we had no warrand to receave, and we have left thame to thameselffes to sollicite your Majestie in what may concerne thair particular interesse or prejudice of the publict, being confident that your Majestie after hearing and consideration of thair demands will take suche course therein as to your royall wisdome sall appeare convenient. We have heerwith sent up to your Majestie the signature docquetted with your Majesteis Advocats hand, and what forder your Majestie sall be pleased to recommend heerin sall be in all submissive dewtie obeyed. And so, with our earnest prayers to God for your Majesteis long and happy raigne, we rest, etc. Edinhurgh, 6 *Martij*, 1634. *Sic subscribitur*, G. Kinnoull, Morton, Hadinton, Kingorne, Annerdaill, Bining, Meluill, B. Murrey, B. Dumblane, S. Thomas Hope."

Edinburgh, 6th March 1634.

[Sederunt as recorded above.]

Decreta November 1633-April 1635. Fol. 62, b.

Complaint by Hew Ross of Tollie against certain of the Clan Mackinnon, whom he accuses of sorning and oppressing his tenants, and for the punishment of whom he desires a larger commission than the one already nominated by the Council.

Complaint by Hew Ros of Tollie, as follows:—In August last a number of Highlandmen, over twenty in number, of the Clan Kynnon came from the Yles out of the bounds of McOnell McFingon and McGillicallum Raza to the countries of Ros and Sutherland, sorning and oppressing the lieges there, and they stole several horses and other beasts from the complainer. He took seven of the thieves with the fang, and presented them to the Earl of Sutherland, as sheriff principal, who tried, convicted and hanged them. For this cause seven or eight score of their friends, who usually come to Ros and Sutherland, under the conduct of Neill McAve McFingon and Neill of Assint, are sorning upon and oppressing the complainer's tenants and threatening to burn them and their grain. The complainer represented this to their Lordships in September last, whereupon they granted a commission to the Earl of Sutherland and the

Decreta, November 1633-April 1635. Fol. 62, b.

sheriffs of Inverness and Caithnes and their deputes against these broken and lawless limmars, with a missive to the Earl of Sutherland directing him, if he found the complaint true, to execute the commission. The Earl has done what he can, but there are so few persons named in the

Fol. 63, a.

commission, and as the sheriff of Inverness has no deputes under him who will undertake this service, humble petition is therefore made that their Lordships would renew the commission to the persons underwritten. The Lords agree to this and grant a commission to John, Earl of Sutherland; George, Earl of Seafort; Hew, Lord Lovat; Donald, Lord Ree; , Master of Ree; Thomas Fraser of Streachine, Sir John McKenzie of Tarbet, Thomas Fraser of Strowy, Alexander Chisholme of Comar, Fraser, apparent of Culbokie; Mr. Alexander McKenzie of Culcowy, Alexander McKeinzie of Coull, Alexander McKeinzie of Garloch, Rorie McKeinzie, apparent of Coull; Rorie McKenzie of Davachmarnock, Kenneth McKeinzie of Suddie, Rorie McKeinzie of Towy, Hector McKeinzie in Glenelg, Hector McKeinzie of , John Bayne of Tullich, Duncan Bayne of Logie, John Monro of Lumlair, Robert Monro of Assint, Hew Monro of Ardullie, Ferquhair Monro of Teannaird, Robert Monro of Teannowch, John Monro in Fuyres, Hector Monro of Coull, Hector Monro of Culcragie, Sir John Gordon of Embo, Alexander Ros, fiar of Cumliche, Colin McKeinzie of Kincraig, George Ros of Innerchasley, Alexander Ros, apparent thereof; David Ros of Pitcalnie, Walter Ros of Innercharron, Walter Ros of Kindeice, Alexander Ros of Pitkeirie, John Ros of Aldeice, David Ros of Moddat, Andrew Monro of Delnie, Alexander Ros of Ferne, Hugh Ros of Kirkbreth, George Ros in Pitmaduthie, Hew Gordon of Bellon, John McKy of Strathie, Angus McKy of Bighous, Hew McKy of , Donald Neilsone of Assint, and Hew Monro of Achunagart, jointly and severally,

Fol. 63, b.

to seek for, apprehend and cause justice to be administered upon these limmars, and for this cause to hold courts, etc.; with power of fire and sword, and permission to bear hagbuts and pistols in the execution of this commission.

Complaint by James Mitchelhill, burgess of Selkirk, against William Mitchelhill, his brother, for illegal dealing in connection with the complainer's lands.

Complaint by James Mitchelhill, burgess of Selkirk, as follows:—He was indebted to Alexander Wright, burgess of Edinburgh, and Bessie Wallace, spouse to James Pringill, in certain sums of money, for which they comprised some of his lands in Selkirk; and William Mitchellhill, "his unnaturall brother," unkindly taking advantage of his distress, procured an assignation to this apprising from "the said Alexander Wright and his said spous" [*sic*] and pretending the complainer's welfare gave

Fol. 64, a.

him a bond promising to repone him in his own place whenever he received payment of the sums he had paid for the assignation. He gave the complainer five years to do this, and these have not yet expired. Meanwhile he has taken possession of the complainer's whole estate, which is of far more value than his debts, and to disable him from recovering them, he cast him into prison in the tolbooth of Selkirk, where he

was long in great misery. The complainer brought the case before their Lordships, who ordained them to submit their differences to the bailies and others of the burgh of Selkirk, and they, having decerned the complainer to pay to the said William the sums contained in the apprising, he sold certain of his said lands and did so. Since then he made another bargain with him, and sold him other lands worth 3200 merks, of which the said William gave the complainer 300 merks in part payment; but now, having obtained possession, he will neither perform his condition nor suffer any others to buy these lands, but also puts all his creditors upon him, who daily threaten him with captions and imprisonment, whereby he will miserably starve and his wife and ten children be brought to extreme necessity and beggary. Charge having been given to the said William Mitchellhill, and he compearing and also the pursuer and Elspit Ormestoun, his spouse, and having been heard, both parties agreed to submit their disputes to the decision of James Elliot, John Lidderdaill, George Currour and Thomas Halywell, burgesses of Selkirk, who being all present accepted upon them this office, and promised to give their judgment before 31st March next. By this both brothers agreed to abide, and that the complainer might have all freedom to attend the arbitration the Lords grant him their protection until 6th April next. And the Lords recommend the arbitrators to see that of the sums of money, if any shall happen to be decerned, to be paid to the said James Mitchellhill, the said Elpsit Ormestoun be secured during her lifetime in the interest of one thousand merks.

Decreta, November 1633-April 1635. Fol. 64, a.

Fol. 64, b.

Complaint by Janet Jardine, widow of the deceased Alexander Fareis, and her children and friends against James Grahame in Corrilaw and others, accused of the slaughter of the said Alexander Fareis. See *ante*, p. 204.

Complaint by Janet Jardane, widow, and the bairns, kin and friends of the deceased Alexander Fareis in Sibbalbeside, as follows:—The said Alexander was cruelly slain by James Grahame in Corrilaw, John Johnstoun, son of Robert Johnstoun, called of Kirkhill, and John Johnstoun, son of the deceased Gilbert Johnstoun in Howgill, and the complainers, hoping to have the benefit of the law against them, instituted legal proceedings which has cost them over 500 merks; and now the said James, to frustrate the course of justice and disappoint the complainers of the benefit of his escheat, has applied for a remission to himself and his two associates on the ground of his Majesty's royal favour on his late happy coronation. For this their Lordships ordained them to pay each to the complainers 500 merks, and then the complainers to renounce the escheat of the said James. Hereby the complainers are in a worse case than before; for the two Johnstouns are but poor men and no payment can be looked for from them, and they will thus only receive less than it has cost them to obtain justice. Charge having been given to the said James Grahame to see himself decerned to make payment of the whole £1000, seeing one of the said Johnstouns is his son-in-law and the other his near and tender kinsman and friend, and that he has acted for them throughout this business, or otherwise that the complainers should be suffered to retain his escheat;

Fol. 65, a.

Decreta, November 1633-April 1635. Fol. 65, a.

and the pursuers compearing by Mr. William Maxwell, their procurator, and the said James Grahame being personally present, the Lords, after hearing parties, continue the case until 10th June next, so that meanwhile the complainers may prosecute these three men before the Justice to determine their guilt or innocence of the said slaughter. And the Lords decern that James Grahame shall not hereby be prejudged of the benefit of his Majesty's pardon, nor the expiry of the time reckoned against him.

Caution by Robert Stevenson, not to molest Francis Hamilton, younger of Silvertonhill, and his family.

This day compeared personally Robert Stevensoun, agent in Edinburgh, and found caution in 300 merks that Francis Hamiltoun, younger, of Silvertounhill, and his family and possessions, would not be molested by him nor by any of his causing.

Acta, June 1632-June 1634. Fol. 264, b.

Edinburgh, 11th March 1634.

Sederunt—Chancellor; Treasurer; Glasgow; Mairshell; Kingorne; Roxburgh: Annerdaill; Lauderdaill; Tracquair; Bishop of Edinburgh; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Bining; Clerk Register; Lord Melvill; Advocate.

Fol. 265, a.

The commission for revising the laws.

"The whilk day George, Erle of Kinnoull, Lord High Chanceller of Scotland, William, Erle of Morton, Thesaurar, Patrik, Archbishop of Glasgow, Johne, Erle of Lauderdaill, Jòhne, Erle of Tracquair, Johne, Bishop of Ros, Adame, Bishop of Dumblane, Sir Robert Spotswod, President of the Sessioun, Sir John Hay, Clerk of Register, Sir Thomas Hope of Craighall, his Majesteis Advocat, Sir Alexander Gibsone of Durie, Sir Thomas Henderson of Chesters, Sir Andro Fletcher of Innerpeffer, Sir James Learmonth of Balcolmie, Mr George Halyburton of Foderance, Sir Lewes Steuart, Mr Andro Aittoun and Mr Thomas Nicolsone, elder, advocats, John Boill of Kelburne, Mr Alexander Guthre, toun clerk of Edinburgh, and Johne McKesone, clerk of Carraill, compeirand personallie before the Lords of Privie Counsell, accepted upon thame the commissioun for surveying of the lawes and gave thair oath *de fideli administratione*."

Commission to Patrick, Archbishop of Glasgow, and others to consult anent the procedure of the commission for the revising of the laws.

"The Lords of Secreit Counsell gives and grants commission be thir presents to Patrik, Archbishop of Glasgow, Johne, Erle of Tracquair, John, Bishop of Ros, Adame, Bishop of Dumblane, Sir Johne Hay, Clerk Register, Sir Thomas Hope, his Majesteis Advocate, Sir Alexander Gibson of Durie, Sir Andro Fletcher of Innerpeffer, Sir James Learmonth of Balcolmie, Mr George Halyburton of Foderance, Mr Andro Aittoun, Mr Alexander Guthre and Johne McKesone, to conveene and meit togidder and to consult and advise anent the forme, maner and order of prosecutioun of the commissioun for surveying the lawes, remitting to the Erle of Tracquair and Clerk of Register the appointing of the tyme and place of thair meeting; and ordains the saids commissioners to report thair proceedings heerin to the Counsell upon the 29 or last of this instant."

Letter from his Majesty requiring that all bishops be made justices of the peace.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas for the better governement and preservation of the peace within all the parts of that our ancient kingdome according to our lawes and to the effect our poore subjects may not unnecessarlie be putt to charges by having recourse for justice to our Counsell in everie severall greevance that may be incident, justices of peace wer established in severall parts of that kingdome where it wes thought necessarie, we have further thought fitt to that purpose to require yow according to the laudable custome of governement used in this our kingdome to caus establishe in suche maner as is requisite in that kingdome everie bishop to be a justice of peace within his owne diocie, and withall that yow require thame to give unto yow ane list of the most able and sufficient ministers within thair dioceis where it is most necessarie that a justice of peace be established, and that accordinglie yow caus settle suche of thame as yow sall thinke fitting to that purpose; whiche recommending to your speciall care, we bid yow farewell. From our court at Newmercat, the secund day of Marche, 1634. Quhilk being read, heard and considderit be the saids Lords, they ordaine missives to be writtin to the bishops for reporting to the Counsell the list and roll mentiouned in his Majesteis said letter betuix and the last of this instant, quhairof the bishops present ar warned *apud acta.*" Acta, June 1632-June 1634. Fol. 265, a. Fol. 265, b.

Letter from his Majesty anent the preceptory of St. Anthony.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presentit to the said Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow weill. At our being of late in that our kingdome we wer pleased to grant to M[r] Williame Wishart, minister at Leith, a gift of the preceptorie of Sanct Anthons for the benefite of the hospitall of Leith and their kirksessioun, for the use whairof some rents of that preceptorie (as we ar informed) ar still accustomed to be payed, and that the remnant of that benefice hes beene of a long tyme suppressed, being disposed of to some persons by our late royall father; hearing that the said M[r] William hes past that gift in his owne name, whereby not onelie that part of the said benefice dedicated to the hospitall and kirksession may by tyme be wrested to a particular frome the intended publict use bot that lykewayes our right trustie and weilbelovit cousine, the Erle of Dumfermline, will be prejudged in his right and possessioun of certan lands now holdin of us whiche ancientlie belonged to that preceptorie and wer

Acta June 1632-June 1634. Fol. 265. b.

acquired (as we ar informed) by his late father upon valuable considerations, our pleasure is that having callit the parteis interested before yow yow deale with thame to submitt the differences heerin unto your selffes or suche of your owne nomber as yow sall appoint for taking a faire course to settle the same, so that no prejudice may ensew by the said gift to the said hospitall, kirksession, or to the said erle; bot if the said Mr William will not condescend thereunto that yow advertise us thairof and with your opinions concerning the same; and in the meane tyme that yow give order to stop anie proceeding tuicheing the same in anie of our judicatoreis till our further pleasure be signified therein, for whiche these sall be your warrand. We bid yow farewell. From our Court at Fol. 266, a. Whitehall, the 28 of October, 1633. Quhilk missive being heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains the said Erle of Dumfermline to exhibite to his Majesteis Advocat his evidents concerning the said benefice this night or the morne, and ordains the said Advocat to report upon Thursday nixt the estait of the bussines to the Counsell."

Decreta, November 1633-April 1635. Fol. 65, a.

[Sederunt as recorded above.]

Edinburgh, 11th March 1634.

Complaint by John M'Alaster, his spouse and servant, against Archibald Grant of Dalvey and others for hamesucken and assault.

Complaint by John McAlaster in Callendar, his spouse, and Duncane, his servant, as follows:—On 13th January last Archibald Grant of Dalvey, Patrick McInshene, his servant, Patrick Grant of Culhoiche, Duncan Grant, his brother, and Ferquhar Over, his servant, armed with swords, targes, durkes, staves and other weapons, came by way of hamesucken to the said John McAllaster's house in Callendar, Fol. 66, a. violently broke up the doors, and sought for him all through the house to take his life, "stogged the beds of the hous with thair swords, and missing him, they shamefullie and cruellie strake, hurt and woundit his wife, violentlie threw her over ane great girnell or kist and left her almost dead, and with ane drawin durke they hurt and woundit the compleaners said servant on the head to the great effusion of her blood." Being masters of the house, they took away "ane hacquebut with ane hieland axe" and other goods belonging to the pursuer. The pursuer appearing by John Grant, apparent of Ballindalloch, but the defenders not compearing, the Lords ordain them to be denounced and escheated.

Complaint by Edie Henderson in Duntrull against William, Earl of Queensberry, one of the Commissioners of the Middle Shires, for holding him in ward and not bringing him to trial.

Complaint by Edie Hendersoun in Duntrull, as follows:—About half a year ago he was apprehended by William, Earl of Quenisberrie, one of the commissioners of the Middle Shires, and put in ward in the pledge chamber of Dumfreis upon some points of theft. He has earnestly intreated the Earl either to give him a lawful trial or put him to liberty, but the Earl excuses himself by saying that there cannot be a trial unless a full number of the commissioners be present, and that it is uncertain when they will meet, as they have not kept a Commission court for some years past. The complainer may thus be kept in per-

petual prison unless a remedy be provided. Charge having been given to the said Earl, who compeared by George Dean, his procurator, and the complainer appearing by William Crichton of Hill, his procurator, the Lords, after hearing parties, find it very far from equity and justice that the pursuer, who has ever been willing to offer himself to trial, should be thus kept indefinitely in ward, and they hereby appoint the Sheriff of Dumfreis and his deputes to hold courts and put the said Edie Hendersoun upon his trial of what is laid to his charge and do justice therein. Decreta, November 1633-December 1635. Fol. 66, a.

Edinburgh, 11th March 1634. Anent the stipends of the Edinburgh ministers. See *ante*, p. 213.

"The Lords continewes the dyet assigned to the toun of Edinburgh for ansuering his Majesteis letter anent the sattling of thair ministers stipends till Thursday nixt, quhairof intimatioun wes made to Mr Alexander Guthre, who wes personally present." Sederunts, November 1629-January 1635. Fol. 117, b.

The coining of copper money.

"A letter frome his Majestie for coyning the like quantitie of copper money as by former warrand wes last ordained."

Anent the coinage.

"The Lords appoints Moonday nixt the sevintene of this instant for a treatie anent the coyne, quhairof ordains intimatioun to be made to the toun of Edinburgh and officers of the coynehous and that missives be direct to the Bishop of Brechin, the Erle of Wintoun and Southesk to keepe the said dyet; the counsellers present being warned *apud acta*."

Edinburgh, 13th March 1634.

Sederunt—Chancellor; Treasurer; Erroll; Kingorne; Winton; Roxburgh; Annerdaill; Tracquair; Bishop of Dumblane; Areskine; Bining; Melvill; Clerk Register; Advocate. Acta, June 1632-June 1634. Fol. 266, a.

Warrant for the coining 1500 stone weight of copper into penny and twopenny pieces for the benefit of the poor. See Index to Vols. I. and II. (Second Series).

"Forsamekle as the Kings Majestie, having by ane former act of the tent of Januar, 1632, found it meit and expedient, concluded and ordained that there sould be fyftene hundreth stone weight of copper, unmixed with anie other metall, wroght and forged in maner specefeit and sett doun in the said act, and that for releeffe of the poore and for the better intercourse and change of small moneyes among his Majesteis subjects, his Majestie is now informed that this quantitie of copper money ordained be the said act to be coynned in this kingdome is now fullie vented and that notwithstanding thairof the necessiteis of the countrie ar not as yitt thereby sufficientlie suppleed; and thairfoir the Lords of Secreit Counsell, according to his Majesteis expresse command, warrand and direction in writt sent unto thame in this mater, hes concluded and ordained and be the tennor of this present act concluds and ordains that there sall be other fyftene hundreth stone weight of copper coynned in this kingdome in pennie and twa pennie peeces of the like weight, print and circumscription as the penneis and twa pennie peeces formerlie wrocht be vertew of the said act of the tent of Januar, 1632, and conforme to the tennour thairof in all points; anent the printing and outputting of the quhilks twa pennie and pennie peeces this present act sall be unto these whome it concernes and apperteanes ane sufficient warrand; and that letters be direct to make publication heirof be opin proclamation at all

Acts, June 1632-June 1634. Fo. 266, a.

places neidfull wherethrow nane pretend ignorance of the same. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers and right trustie and trustie and weilbelovit counsellours, we greit yow weill. Whereas we ar informed that the quantitie of copper money last ordained to be coynned there is now fullie vented and, that notwithstanding, the necessiteis of the countrie is not thereby yitt sufficientlie suppleed, it is thairfoir our pleasure that yow give present order for the coynage of the like quantitie as by your former warrants wes last ordained, for whiche these presents sall be your warrand. Whitehall, the 26 of Februarie, 1634."

Fol. 266, b.

"The whilk day Johne, Lord Torphichin, compeirand personallie before the Lords of Privie Counsell, gave in to the said Lords ane petition in writt preferred be him to the Parliament conteaning the reasons whereby he intends to evince that the superioriteis of the lordship of Torphichin are of a different nature frome the superioriteis of others erections, and that thairfor they aucht not to be comprehended in the act of annexatioun whereby all superioriteis of erections ar annexed to the crowne, and that for satisfactioun of the terme assigned to the said lord for that effect. Whiche petitioun wes ordained to be givin up to his Majesteis Thesaurar and Advocat for his Majesteis interesse to be advised therewith and with thair answer to the same till this day aucht dayes lykeas the said petition wes presentlie delyvered to his Majesteis said Advocat, who receaved the same."[1]

The petition of Lord Torphichen showing that the superioriteis of the Lordship of Torphichen are different in nature from the superioriteis of other erections.

Decreta, November 1633-April 1635. Fol. 67, a.

[Sederunt as recorded above.]

Edinburgh, 13th March 1634.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, as follows:—Robert Stirk, messenger in Dumfermeline, was employed to summon an assize for the trial of Robert Lammert, now prisoner in the tolbooth of Edinburgh, for the slaughter of . Dow, and a roll of forty-five persons was given to him to charge, and which number he should not have exceeded; yet he summoned a far greater number, and compōned and agreed with many for remaining at home and deleting their names out of the roll, viz., with Andrew Kedie in Kirkaldie for 20s. and a pint of 2s. ale; David Hallo for 12s.; George Smith in Kirkaldie for a long piece of tobacco; Walter Crichtoun there for 20s. and a chopin of wine; Henry Greg there for 19s.; Matthew Haigie, weaver there, for 10s. and a pint of ale; Walter Sobert, weaver there, for 4s. and a pint of ale; and Alexander Stope and Thomas Oswall

Complaint by Sir Thomas Hope of Craighall, King's Advocate, against Robert Stirk, messenger in Dumfermeline, for malpractices in the discharge of his office.

[1] In 1538 Sir James Sandilands of Calder was invested with the title, power and jurisdiction of Lord St. John of Jerusalem. After the Reformation he resigned the lands he held as Preceptor of the Order of St. John into the hands of Queen Mary, who re-granted them as a temporal lordship.—Douglas, *Peerage*, *II.*, 593.

there, for a pound of tobacco between them; whereby he has very far abused his Majesty's good subjects. He is now prisoner for this in the tolbooth of Edinburgh, and it is necessary that before he be released this matter should be tried and so dealt with that others shall be terrified from doing the like. Charge having been given therefore to the said Andrew Keadie, David Hallow, George Smith, Walter Crichtoun, Henry Greg, Walter Stoddart, Alexander Stope, Thomas Oswell and John Hog, to appear as witnesses, and the pursuer and Robert Stirk compearing personally, the latter being brought from the tolbooth by Andrew Quhyte, jailor and keeper thereof, and the said Andrew Keadie, David Hallo, Walter Crichtoun, Henry Greg, Matthew Hegie, Walter Stoddert, Alexander Stop and Thomas Oswell, who also compeared, and being sworn and examined, every one apart, by the said Lords, having confessed that they componed and agreed with the said Robert Stirk and Robert Adame, his man, at his direction for eliding of their names from the said roll, the Lords find the complaint verified, and they accordingly deprive the said Robert Stirk of his office of messenger and declare him to be incapable of exercising the said office hereafter. They ordain him to return his blazon to the Lyon Herald, and to repay to each of the persons with whom he componed the double of the money received from them; and this having been done, he is to be set at liberty.

Decreta, November 1633-April 1635. Fol. 67, a.

Edinburgh, 13th March 1634.

Anent the stipends of Edinburgh ministers.

"The Lords of Secreit Counsell finds it more expedient that the impositioun craved be the toun of Edinburgh for maintenance of the ministers and payment of thair stipends sall be layed upon the lands within burgh according to the proportion of the maillis dew for the same than upon the inhabitants according to the rate of the maillis that they pay for thair houses, quhairanent ordains the bailleis and clerk present to acquaint the counsell of the toun heirwith and to report thair ansuer upon Tuisday nixt."

Sederunts, November 1629-January 1635. Fol. 118, a.

The preceptory of St. Anthony.

"The Lords continewes the mater anent the preceptorie of St. Antons till Tuisday nixt."

See *ante*, p. 228.

Edinburgh, 18th March 1634.

Sederunt—Chancellor; Treasurer; Glasgow; Mairshell; Murrey; Winton; Kingorne; Roxburgh; Annerdaill; Lauderdaill; Tracquair; Bishop of Edinburgh; Bishop of Ros; Lord Areskine; Lord Melvill; Master of Elphinston; Clerk Register; Sir James Baillie.

Acta June 1632-June 1634. Fol. 266, b.

Anent the same.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Thomas Hope of Craighall, his Majesteis Advocat, and reported to the saids Lords that he had seene and considderit the right of the preceptorie of St. Anthons and that he finds that Mr Johne Hay of Kennet wes lawfully provided thereto upon dimission of Alexander Hay, his father, last preceptor of St. Antons, and that the said benefice wes supprest be the said Mr Johne his infeftment and ratification thairof

Acta, June 1632-June 1634. Fol. 266, b.

in Parliament and thereafter dispouned be the said Mr Johne to the Erle of Dumfermline who sold the teinds thairof to the Laird of Colinton; in respect of whiche suppressioun and extinguishing of the said benefice the said Advocat declared that he fand the said Mr Johne Hay, the Erle of Dumfermeline and the Laird of Colintoun thair rights to be valuable and sufficient in law."

Anent the muster-master. See *ante*, p. 200.

"The Lords of Secreit Counsell continewes the bussines anent the mustour-maister till Thursday nixt and ordains the Erles of Rothes, Seafort, Quenisberrie, and Wemes, the Vicount of Stormont, the Bishop of Edinburgh, the Lords Hereis, Loudoun, Balmerinoch, and Johnestoun, to be warned to keepe that dyet and to give thair information and advice to the Counsell anent that mater."

Mr. James Cockburn, provost of Haddington, placed on the new Commission.

"The whilk day Mr James Cockeburne, provest of Hadinton, compeirand personallie before the Lords of Privie Counsell, accepted upon him the commission for surveying the lawes and gave his oath *de fideli administratione*."

Fol. 267, a.

Warrant for delivery of John Hairup, accused of sheepstealing, to the justices of peace of the palatinate of Durham.

"Forsameekle as Johne Hairup, sometyme in Dernton, being apprehended and made prisouner in the jayle of Durhame for the fellonous stealing of twa oxin perteaning to Johne Osburne of Scotiswod, twa oxin perteaning to Thomas Bittelston of Benwell, and other twa oxin perteaning to Jeane Schaftooe, widow in Newcastell, the said Johne Hairup, fearing the event of his tryell, made ane escape furth of the said jayle and for eshewing of punishement fled to this kingdome of Scotland where he wes apprehended by warrand and direction frome the Erle of Roxburgh and is presentlie prisouner heere; whairof notice being givin to the justices of peace within the countie palatine of Durhame they by thair letter under thair hand hes earnestlie required that delyverie may be made to thame of the said Johne Hairup to the intent he may underly his deserved tryell and punishement at the jayle delyverie now shortlie to be haldin at the citie of Durhame upon the 26 of Marche instant. Thairfoir the Lords of Secreit Counsell gives and grants thair warrand and allowance to the said Erle of Roxburgh to delyver the said Johne Hairup to suche person or persons as sall have warrand and power frome the saids justices of peace or others having interesse to receave him; quhereanent the extract of this act sall be to the said Erle of Roxburgh a warrand."

Act allowing George Bruce of Carnock and Alexander Bruce of Alloa to receive dollars from certain traders from Bremen and Holland in payment for coal and salt.

"Anent the supplication presentit to the Lords of Secreit Counsell be George Bruce of Carnock and Alexander Bruce of Alva, makand mention that where there is some strangers of Breme and Holland come up the firth to thame for coale and salt and they have nothing to pay for the same bot dollers, and the supplicants darre not taike thame in regarde of the lait prohibition givin out be the saids Lords aganis the receaving of dollers for coale or salt; and thir strangers are now upon the point of thair departure toward Newcastell for taking in thair loadning of coales, wherewith the saids supplicants have heirby thought meit to acquaint the saids Lords and how farre they ar interest and prejudged in the

dispatche of thair coale and salt quhilks lying on thair hands will make thair trade of coale and salt unusefull and unprofitable to thame and sua thair water workes quhilks ar interteanned at excessive great charges will perishe without all hope or possibilitie of recoverie without remeid be provydit. Humbelie desyring thairfoir the saids Lords to give unto the saids supplicants thair warrand and allowance to receave dollers frome the strangers that ar now come in for thair coale and salt; lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and consideerit be the saids Lords and they weill advised therewith, the Lords of Secreit Counsell gives and grants thair warrand and allowance to the saids supplicants to receave dollers frome thir strangers that ar now come in for their coale and salt without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding of the prohibition and discharge made in the contrare, quhereanent the saids Lords for this tyme dispenses, the supplicants first finding caution actit in the bookes of Secreit Counsell that they sall not receave dollers for anie coale or salt to be sold be thame heerafter under the panes conteanit in the acts and proclamations formerlie made heereanent." Acts, June 1632-June 1634. Fol. 267, a. Fol. 267, b.

Act anent the provision of stipends for the ministers of Edinburgh.

"Forsamekle as the act underwrittin tuicheing the provision of the ministers stipends of the burgh of Edinburgh being givin in be the provest and bailleis of the said burgh to the Kings Majestie and Estats of this kingdome conveenned in the late Parliament holdin at Edinburgh in the moneth of Junij last, humbelie craving the same to have beene past and exped in Parliament, his Majestie and the Estats having dewlie consideerit the said act and being willing that the same with the equitie and justice thairof and expediencie and conveniencie of the same sould be carefullie and exactlie consideerit, his Majestie with advice of the saids Estats wes graciouslie pleased to remitt and recommend the act foresaid to the Lords of Privie Counsell, to whome his Majestie and Estats foresaids gave full power and commissioun to considder, advise and try the said act with the equitie, necessitie and expediencie thairof and to decerne, statute and determine therein as they sould thinke expedient for the good and weale of his Majesteis lieges. Lykeas his Majestie and Estats foresaids ordained the decreits, statuts, ordinances and determinations to be made, givin and pronunced be the saids Lords of Privie Counsell anent the said act to have the force, strenth and effect of ane sentence and act of Parliament in all tyme comming, as the said act and reference of the Parliament made to his Majesteis counsell thereanent at lenth beirs; of the quhilk act givin in be the saids provest and bailleis of Edinburgh to the Parliament the tennour followes:—Forsamekle as there is nothing more consonant to equitie and reason then that all suche persons that daylie injoyes in plentie that blessing of the Word of God and heares the same preached and does participat the benefite of the Churche sould contribute to the maintenance of the ministrie in these places where they

Acta, June 1632-June 1634. Fol. 268, a.

receave the saids benefites, and our Soverane Lord and Estats of this present parliament understanding that ever since the Reformation the haill inhabitants of the said burgh of Edinburgh hes injoyed the foresaids benefites and blessings, and the commoun good of the toun whiche hes beene givin to thame for maintenance of policie hes beene that way imployed throw the inlaike of other sufficient meanes for interteaning the ministrie of the said burgh; for remeid whairof and to the intent that these who serves at the altar may be interteanned of the altar and the said commoun good may be rightlie applyed to the use whereunto the same wes appointed, our Soverane Lord and Estats foresaids statuts and ordains that the soume of twelffe thowsand merkes sall be uplifted yeerelie of the whole inhabitants and indwellers within the said burgh (the Lords of his Majesteis Counsell and Sessioun being onelie excepted) and that according to the quantitie and proportion of the maill they pay or the housses where they reside may pay. And for this effect ordains the provest, bailleis and counsell of the said burgh to appoint and make choise of foure sworne men out of ilke parish within the said burgh who upon thair oath sall value and estimat the maillis of the housses of the said burgh and sall give in ane roll thairof under thair hands what everie hous built and possest may *communibus annis* in constant rent pay of yeerelie maill to the end that according to the soumes whereunto the saids maillis will surmount the said soume of twelffe thowsand merkes may be convenientlie divydit be thame amongs the saids indwellers and inhabitants (except as is before excepted). And becaus that new housses may be built and others housses may lykewayes come to decay and ruine so that the maillis thairof may be omitted or defective, and the inhabitants of the saids new housses free of the foresaid burdein, thairfoir ordains the provest, bailleis and counsell of the said burgh ilke yeere or ilke twa yeeres, as they sall thinke expedient, to appoint new extentors and valuers for valuing of the saids hous maillis, and according to the said valuatioun and distributioun and divisioun of the said soume declares the whole indwellers and inhabitants to be subject to contribute to the interteanement of the said ministrie according to the rollis to be givin furth to suche as sall be appointed be the saids provest, bailleis and counsell for ingaddering of the said soume, under the subscription of thair common clerk; and incaise of the refuisall of anie persons ordains the said provest and bailleis to direct thair officers to poynd thair goods or waird thair persons for the same without any farther sentence or processe of law; and ordains the said soume so ingadderit to be applyed onelie for for sustentatioun of the said ministrie. And the provest and bailleis of

Fol. 268, b.

the said burgh being callit and at lenth heard heirupon before the saids Lords, they declared that the imposition craved be thame to be layed upon the inhabitants according to the proportion of thair hous maillis is onelie craved to be a square and rule for taxing of the inhabitants,

and that thereby the ground right and propertie of the housses sall never be affected. Quhilk act being read, heard and considderit be the Lords of Privie Counsell, and they having lykewayes heard and considderit the reference made be the Parliament to thame and the declaration foresaid made be the saids provest and bailleis, and being weill advised therewith, the Lords of Secreit Counsell finds and declares that the course and order prescryved and sett doun in the act foresaid givin in be the provest and bailleis of Edinburgh to his Majestie and Parliament tuicheing thair ministers stipends and settling thairof is a verie good and faire course tending to the weale of the said burgh and settling the ministrie thairof in thair stipends, with this speciall provision and exceptioun that the Lords of his Majesteis Privie Counsell and Lords of Sessioun sall no wayes be subject to contribute to this imposition bot sall be speciallie excepted and reserved furth thairof, and with declarationn and qualification of the generall name of inhabitants that the same is and sall be onelie suche persons who take housses for ane yeere or halfe yeere within the said burgh, remains and resides therein with thair famileis the most part of the yeere or halfe yeere, and that thir persons allanerlie and no others sall be comprehended under the generall name of inhabitants. And thairfoir the Lords of Secreit Counsell hes allowed and approvin and be the tennor heirof allowes and approves the said act in the haill points, clausses and articles thairof with the exceptioun, declaration and qualificatioun abonespecefeit, and hes interpouned and interpons thair auctoritie thairto, and ordains the same to have the strenth, force and effect of ane act of Parliament conforme to the reference foresaid of the Parliament and of ane act of Counsell in all tyme comming. Followes his Majesteis missive anent the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers and right trustie and weilbelovit counsellers, we greit yow weill. Whereas there wes a petition preferred be the toun of Edinburgh to the late Parliament haldin by us in that our kingdome tuicheing thair ministers stipends and settling thairof, whereby it wes desired that the imposing of the same might be layed ratablie upon the inhabitants as they wer found able, the consideration and determining of whiche petition wes remitted unto yow, seing the establishing and provyding of the churches of that toun is a purpose whairof we doe verie muche approve, our pleasure is that yow consider of the said petition, and if yow find that the course propounded be thame cannot convenientlie take effect, that the said imposition may be ratablie layed and takin up according to the proportion of the maill of the said burgh, appointing thereby to everie minister a competent stipend and a commodious dwelling hous according to their degree; whiche recommending to your care we bid yow farewell. Frome our Court at Whitehall, 11 October, 1633."

Acta, June 1632-June 1634. Fol. 268, b.

Fol. 269, a.

Sederunts, November 1633-January 1635. Fol. 118, b.

"The quhilk day ane warrand wes past for coyning 1500 stane weight of copper money in maner as wes before ordained." Edinburgh 18th March 1634. Act for the coining of 1500 stone weight of copper. See *ante*, p. 230.

Acta June 1632-June 1634. Fol. 269, a.

Sederunt—Chancellor; Glasgow; Treasurer; Privy Seal; Erroll; Mairshell; Murrey; Wintoun; Kingorne; Roxburgh; Lauderdaill; Tracquair; Bishop of Dumblane; Lord Areskine; Lord Binning; Lord Melvill; Master of Elphinston; Clerk of Register; Advocate; Sir James Baillie. Edinburgh, 20th March 1634.

"The whilk day Johne, Lord Torphichin, compeirand personallie before the Lords of Privie Counsell, gave in to the saids Lords the verification of the reasons conteanit in his petition to the Parliament for cleering the erectioun of the lordship of Torphichin to be of a different nature frome others erections and thairfoir not to be comprehended in the act of annexatioun, whiche he instructed by production of certane writts and evidents upon inventar quhilks wer givin up to his Majesteis Advocat to be advised therewith till this day aucht dayes; and the saids Lords reserves to the said Lord Torphichin his further reasons for cleering and evincing of his said petition to be propouned be him that day." Anent the Lordship of Torphichen. See *ante*, p. 231.

"Forsamekle as it hes pleased the King's Majestie by his letters patent under the great seale to give and grant to the Lord of Spynie the office of generall mustormaister within this kingdome, the reigling and ordering of the whiche patent and prosecutioun of the service therein conteanit, with the modification of the fees answerable to the said charge and imployment, wes by reference frome the Estats committed to the saids Lords; thairfoir the Lords of Secreit Counsell ordains the noblemen and commissioners for the small barons and burrowes that wer present to make choise of foure of thair nomber for everie ane of the saids three Estats to attend upon the Lord Privie Seale, the Archbishop of Glasgow, the Erles of Roxburgh and Tracquair, the Bishop of Dumblane, and Clerk of Register (without excluding anie other of the Counsell who sall be pleased to be present) and to conveene with the saids Lords the morne at eight of the clocke in the morning in the laich counselhous of Edinburgh and to confer and reason anent the forme and order of prosecution of the said service and modification of the fees dew for the performance thairof; of the whiche dyet and assignement the Lord Spynie, being personallie present, wes warned *apud acta*. In obedience of the quhilk act and ordinance the noblemen present made choise of the Erles of Rothes, Quenisberrie and Wemes and the Lord Lowdoun, the commissioners of the shires nominat and made choise of Sir Patrik Hamilton, the laird of Aldbar, Sir Patrik Murrey, and the laird of Pitmedden, and the commissioners for the burrowes made choise of Williame Dick, Mr Robert Ferquhar, Mr James Cokburne, and Mr Alexander Guthre, whom the saids Lords allowes to conveene and meit Appointment of a committee to confer with the Lord of Spynie, who has recently been appointed general muster-master.

Fol. 269, b.

with their severall Estats for thair better light and information anent the ordering of the particulars abonenamit, and ordains the committee to report thair proceedings to the Counsell upon Tuisday nixt." Acts, June 1632-June 1634. Fol. 269, b.

Edinburgh, 20th March 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 67, b.

Complaint by James, Lord Deskford, bailie principal of the regality of Strathisla, and Thomas Innes, his depute, against John Tarbert in Poolfald, whom they accuse of lodging false information with the Council in order to escape punishment of his crimes.

Complaint by James, Lord Desfurde, bailie principal of the regality of Strathyla, and Thomas Inneis, his depute, as follows:—Upon sinister information made to their Lordships by John Tarbert in Poolfald that he and his said depute had cited the said John and his spouse to a justice court on the 8th January last to answer for the reset of 2½ ells of gray cloth stolen by one William Ogilvie, and for the alleged cruel murdering of David George and casting him into a peat moss, and that notwithstanding of the production of two certificates of the sickness and inability of the said John to travel, they had proceeded with the case, declared them fugitive and intended to deal with their goods, their Lordships granted letters against the complainers for their compearance on 11th March before the Council and production of the proceedings in the case. These letters had been granted without citation of the complainers, who could then have adduced many good reasons for their procedure and "convinced the said Johne of manie grosse and impudent untruthes." He represented that they had cited him for murder, and this was the chief reason of their Lordships granting the letters; but they never did nor intended to do so, "bot left the same and the discoverie thairof to God and tyme, quhilk is the mother of truthe, and they onlie callit thame for a cleere, notour and undenyable ressett of thift, and for thair contumacie and not compeirance, declared thame fugitives, and meddled no farder with thame, bot simplie for the dewtie of thair charge and office arrested thair goods." This is all they have done, and for this these persons have brought the honour and credite of the said lord, and the justice and equity of his court in question. "If base criminalls of this kynde sall for impetrating of impunitie of thair misdeeds be suffered or overseene to call in doubt the equitie and proceedings of the judges of the kingdome, who ar voide of all privat respects and hes nothing bot honour, justice and good conscience before thair eyes, the saids Lords may consider what sall be the event and how deepe it may draw in consequence and exemple." Charge having been given to the said John Talbert and his spouse to compear to see the Justice discharged from proceeding in this matter and the case remitted back to the complainers, and the pursuers compearing by Mr. Roger Mowat, their procurator, and the said defender compearing personally with Mr. James Gibsone, his procurator, the Lords, after hearing parties and seeing the process produced, remit the matter back to the said Lord of Desfurde, as bailie of the regality of Strathylae, and ordain him first

Fol. 68, a.

Fol. 68, b.

Decreta, November 1633-April 1635. Fo. 63, b.

to proceed against the principal person, committer of the theft libelled, and after that, having made choice of some "unsuspect person in place of the said Thomas Inneis, his baillie," to try the said John Talbert, and if he find him guilty, to report his conviction to their Lordships before passing sentence, so that they may advise him thereupon.

Acta, June 1632-June 1634. Fol. 269, b.

Sederunt—Chancellor; Glasgow; Erroll; Marshell; Murrey; Winton; Kingorne; Linlithgow; Lauderdaill; Southesk; Tracquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Areskine; Lord Bining; Lord Melvill; Clerk Register; Advocate. Edinburgh, 25th March 1634.

Licence, on a warrant from his Majesty, to Thomas Menries, burgess of Aberdeen, Papist, to arrange his affairs previous to his going into exile.

"The Lords of Secreit Counsell, in humble obedience of a letter directed unto thame frome the Kings Majestie in favors of Thomas Meinzeis, burges of Aberdeene, gives and grants thair warrand and licence to the said Thomas to resorte and repaire saifelie and peaceablie to and fra in the countrie at his pleasure till the first day of Junij nixtocome to the intent that he may dispose upon his estait at his pleasure, quhilks the saids Lords declares it lawfull for him to doe, and they recommend to the Lords of his Majesteis Exchecker to make the like declaration in favors of the said Thomas, becaus the said Thomas, being personallie present, actit himselfe that he sall carie himselfe modestlie without scandall or offence and that he sall acquaint the Bishop of Aberdein with this his obligement, to the intent the said Bishop may looke to his cariage and certifie the Counsell of the same the first Counsell day of Junij nixtocome, togidder with
Fol. 270, a. his opinion tuicheing a forder prorogatioun of the said warrand and of a warrand to be grantit to him to persew and defend in all his actions and causes without anie doubt or question in law in so farre as may concerne his religion and for what tyme the said warrand sall be grantit; discharging in the meanetyme all shireffs, stewarts, bailleis of regaliteis, provests and bailleis of burrowes, and all others judges, officers and magistrats to burgh and land, and als all messengers of armes of all taking, apprehending, warding or arresting the said Thomas be vertew of anie hornings or captions raised or to be raised aganis him for maters concerning his religioun, discharging, &c. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trusty and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. We have beene humbelie petitiouned by Thomas Meinzeis that we would be graciouslie pleased so farre to grant him the benefite of our lawes as to recover by a legall way suche moneyes as ar justlie dew unto him and to sell his estait there that he may abandon the kingdome without staying anie longer to give any offence to the present professed religioun and the rather becaus hitherto

in humble obedience of our commandement expressed in our former letters touching this purpose to the Lord Chancellor and Bishop of Aberdein he hath, as we ar informed, givin no just caus of offence, bot hath caried himselfe moderatlie and quyetlie; for whiche respect we ar heirby pleased seriouslie to recommend unto yow that he may have justice speedilie administred unto him ather in the persute or defence of anie action in law concerning him and that he may als freelie without anie doubt or questioun in law in so farre as may concerne his religion, dispose and sell his estait as anie our lawfull subjects whatsomever within the kingdome might or may doe, and to that effect that yow give suche order to our Colledge of Justice and otherwayes as yow sall thinke fitt and as may best conduce to the granting of his humble sute, to the effect he may repaire to these parts abrod where (as we ar informed) his wife and childrein doe live; for doing whairof these presents sall be unto yow and all others whom it may concerne a sufficient warrand. We bid yow farewell. Frome our Court at Whitehall, the 12 day of Februarie, 1634." Acta June 1632-June 1634. Fol. 270, a.

Licence to John, Earl of Wemyss, to receive dollars in exchange for his coal from certain merchants from Bremen and Holland. See *ante*, p. 233.

"Anent the supplication presentit to the Lords of Secreit Counsell be Johne, Erle of Wemes, makand mentioun that where there ar some Bremers and Hollanders come to the firth for buying of coale and salt frome him and they have no moneyes to give for the same bot dollers allanerlie, quhilks the said supplicant is inhibite to receave for his coale and salt frome anie strangers, so as if they sall not be served be the supplicant and others maisters of coale in this countrie they will go to Newcastell, and the supplicant will be frustrat of the sale of his coale, and thereby his workes will be brought to decay, to his great hurt and prejudice and undoing of nombers of poore people; humbelie desyring thairfoir the saids Lords to grant to the said supplicant thair warrand and allowance to receave dollers frome the saids strangers for the price of his coale and salt; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords and they advised thairwith, the Lords of Secreit Counsell gives and grants warrand and allowance to the said Erle of Wemes to receave dollers frome the said Bremers and Hollanders now lying in the firth for the price of his coale and salt without pane or danger to be incurred be him therethrow, notwithstanding the act and proclamation made in the contrare, quhereanent and all panes conteanit therein the said Lords dispenses be thir presents, the said supplicant first finding cautioun actit in the bookes of Secreit Counsell not to receave anie dollers frome strangers for thair coale or salt after the dispatche of these who presentlie ar in the firth, under the panes conteanit in the acts and proclamatiouns made heereanent." Fol. 270, b.

Decreta November 1633-April 1635. Fol. 68, b.

[Sederunt as recorded above.]

Edinburgh, 25th March 1634.

Complaint by Patrick Halket of Lumfynnance, as follows:—For many years he has been detained in ward, first in the tolbooth of Dysert and now in that of Edinburgh, at the instance of John, Earl of Rothes, whom he has never offended. All his creditors are willing that he should be liberated, and the only stop is his finding caution for the indemnity of the said Earl. As no one will become cautioner for him, seeing he has no estate, he is willing personally to give his oath and act for the Earl's safety. Charge having been given to the Earl of Rothes, and he compearing by Mr. David Aittoun, his agent, the pursuer also being personally present, and having been heard, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer, who promised upon his great oath to keep ward within the burgh of Edinburgh and town of Leith till the first Council day of June next, when their Lordships will take further order with the case; declaring that if the said Patrick contravene this order it shall be lawful for the said Earl and his said agent to apprehend and imprison him. Further, their Lordships modify the sum of 8s. daily to be paid to him by the said Earl of Rothes until the said first Council day of June.

Complaint by Patrick Halket of Lumphinnans against John, Earl of Rothes, who is the only one of the complainer's creditors who insists on keeping him in ward—the complainer being unable to find caution.

Fol. 69, a.

Supplication by James Smith, servitor to the Earl of Wintoun, as follows:—He desires to build some houses and policy in Seatoun and has prepared a great quantity of material, but cannot obtain sufficient timber in this country. He must therefore send to Norway for this, and proposes to pay for it by sending thirty-six bolls of wheat of his own growth. He craves their Lordships' license so to do. The Lords grant him liberty to export the said quantity of wheat to the town of Birren in Norway, he paying the ordinary custom and bullion for the same.

Supplication by James Smith, servitor to the Earl of Winton, to be allowed to export wheat to Norway in return for timber.

Fol. 69, b.

Supplication by John, Lord Areskine, as follows:—He is engaged in several great sums of money for Sir George Home of Manderstoun "who in outward show and professioun seemes to be most solist and carefull" to ease him by selling of some of his lands. This can only be conveniently done in Edinburgh by the advice of procurators, but Sir George dare not and will not come here without a protection, which therefore the supplicant craves may be granted to him. The Lords grant their protection to the said Sir George Home until 20th June next.

Supplication by John, Lord Erskine, for protection to Sir George Home of Manderston, in order that he may meet his debts to the complainer.

Acta, June 1632-June 1634. Fol. 270, b.

Sederunt—Chancellor; Glasgow; Erroll; Wintoun; Linlithgow; Kingorne; Roxburgh; Galloway; Southesk; Tracquair; Bishop of Ros; Bishop of Dumblane; Lord Areskine; Lord Bining; Lord Melvill; Clerk Register; Advocate; Sir James Baillie.

Edinburgh, 27th March 1634.

"The whilk day Sir Thomas Hope of Craighall, knight baronet, his Majesteis Advocat, compeirand personallie before the Lords of Privie Counsell declared that he would make no report concerning the erection

Anent the erection of the lordship of Torphichen. See *ante*, p. 237.

of the lordship of Torphichin till the Lord Torphichin sould first give in and produce the haill reasons and writts that he would use for cleering of the bussines; quhilk wes intimat to the said lord, being personallie present, who tooke the first counsell day in Junij nixt to propone what forder he would use and alledge in the mater foresaid." Acta, June 1632-June 1634. Fol. 270, b.

Edinburgh, 27th March 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 70, a.

Complaint by Thomas Hay of Parke against James Cathcart of Greenock and others for invading his lands and various acts of violence.

Complaint by Thomas Hay of Parke, as follows:—He has a parcel of ground of his lands of Drochdull lying upon the south side of the burn of Poltantoun, called Quhytshiftle, within the parish of Glenluce, and of which by their infeftments he and his predecessors have been in peaceable possession by tilling, sowing and reaping the same for the past forty years, and it was so laboured by his deceased father and grandfather and their servants in the years 1625, 1626 and 1627. In this present year he directed his servants to proceed to till the ground when James Cathcart of Granoch, John and Robert Cathcart, his sons, Alexander Agnew of Tong, Andrew Agnew, his son, Gilbert McRenie in Cremunoche, Alexander McLanoch there, Thomas McRacke there, John Neilsoun there, William Gordoun in Torrie, and William McNaw there, and others armed, and in a tumultuous manner, came to them while going at his plough, and threatened that if they did not loose their ploughs and depart they would take their lives; and further they "broddit and dang the oxin" in the plough and took them out of it. Again, on 20th February last, while the complainer was absent in Edinburgh on business they came and sowed the said parcel of ground, and, when the complainer's wife came to them and "in modest and gentle termes" desired them to forbear such lawless and insolent doings, "they injured her with manie disgracefull words, avowing if she or anie of thame came over the burne to thame where they wer sawing that they sould washe thair feet and send thame home in a pair of blankettis; wishing that the compleaner had beene present himselfe" that they might have taken their advantage of him. Charge having been given to the persons accused to appear before the Council, and the pursuer compearing personally, with the said James Cathcart of Ganoch, John Cathcart, his son, William Gordoun, William McNaw, Robert Cathcart, Gilbert McRenie, Thomas McRaik and John Neilsoun, the said James Cathcart represented that he was infeft in the piece of ground in question and had been in peaceable possession thereof for the past six years, and moreover it was surrounded on all sides by his other lands. After hearing parties and their witnesses, the Lords find that the pursuer and his predecessors and their tenants have been in possession of the piece of land in question by tilling and labouring thereof for the last twenty years and until the sowing above libelled, "and that the said James hes committed ane great insolence and ryot in sawing of another mans pos- Fol. 70, b.

Decreta, November 1633-April 1635. Fol. 71, a.

sessioun," and discharge him from meddling further therewith until he evict the pursuer by order of law; specially from shearing the corns sown or preventing the pursuer from shearing them as being sown upon his own heritage. John Cathcart is convicted of having used the threatening speeches complained of, and for this and the riot he and James Cathcarts are warded in the tolbooth of Edinburgh upon their own expenses until the Lords release them. Further, the Lords ordain the said James Cathcart to pay the witnesses, every horseman £10 and every footman 10 merks.

Complaint by Thomas Abercromby, second son of Thomas Abercromby, of that Ilk, against Isabel Forrester, who refuses to accept assythment offered by the complainer for the slaughter of the husband of the said Isabel.

Complaint by Thomas Abircrombie, second lawful son of the deceased Thomas Abircrombie of that Ilk, as follows:—About seven years ago he was waylaid and pursued for his life by the deceased William Martine, son lawful of the deceased Alexander Martine of Giblistoun. Martin had been visiting his wife's sister at Anstruther, and on his way home with the complainer, being drunk, he gave complainer a great stroke in the arm with the complainer's own sword, who was then obliged for safety of his life to draw his dagger and close with the said William, giving him a stroke upon the thigh, wherewith "he fell in reid land," and, being suffocated with drink, died. The complainer had no intention of injuring the said William "whome he loved most interelie, and unto whome he had done sindrie good offices, as namelie he procured unto him frome his eldest brother ane dwelling hous and yaird," and but the day before this unhappy accident the complainer made the said William bailie of the barony of , and disponed to him several casualties belonging thereto. Since that time the complainer has resided in Ireland and has caused his friends offer assithement to Isobel Forrester, widow of the deceased William, and to Mr. Alexander and Isabel Martine, his children, but they refuse to entertain these. Now, the complainer understanding that at his Majesty's late coronation in Scotland he was graciously pleased to remit all such sudden slaughters committed before the said coronation if sought within year and day thereafter and satisfaction were made to the party, he has caused David Walker, burgess of Lealie, as his procurator, to go to the said Isobel and offer and tell down to her for herself, and the bairns and kin of the said William 400 merks in name of assithement and for a letter of slains to be given to him thereon; but this she refused to do, as an instrument under the hand of John Nicoll, notary in Falkland, will show. Further, on 21st November last, George Abircrombie, as procurator, made the same offer to her on the complainer's behalf, which she likewise refused, as an instrument under the hand of John Mitchell, notary, shows. Charge having been given to the said Isobel Forrester and Mr. Alexander and Isobel Martine, who did not compear, and the pursuer appearing by George Abircrombie, his procurator, the Lords modify the assithement to be paid as 500 merks, for payment of which the pursuer is ordained to find caution and upon payment to receive a letter of slains.

Fol. 71, b.

Fol. 72, a.

Complaint by Sir Thomas Hope, King's Advocate, Patrick Small, elder and younger, in Newtylde, and John Small there, against Patrick and James Anderson and others for assault and threatening their wives and children.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, with Patrick Small, elder and younger, in Newtylde, and John Small there, parties grieved, as follows:—In violation of the law against wearing hagbuts and pistols, on 15th March instant, Patrick and James Andersoun, lawful sons of Laurence Andersoun at the mill of Newtylde, Patrick Andersoun, son natural of the said Laurence, and William Andersoun, servitor to the said Laurence, all armed with swords, forks, durks and other weapons, and the prohibited hagbuts and pistols, came to the complainers' lands in Newtylde while they were peaceably sowing the same and pursued them for their lives, giving them many bloody wounds on the head and other parts of their bodies, and "left thame lying wallowing on the ground in thair blood as dead persouns and threatened to kill thame if they laboured these lands." They then went to their houses and threatened to kill their wives and children. Parties being cited and the pursuers compearing personally, but of the defenders only William Andersoun, and they and certain witnesses having been heard, the Lords find that the said Patrick and James, lawful sons, and Patrick, the bastard son of Laurence Andersoun, assaulted the pursuers, the said Patrick, the bastard, and James Andersoun wounding them with a fork, and the other Patrick wounded the said John Small on the head with a baton and on the hand with a whinger, and that they would not suffer the pursuers to sow their corns; for which they ordain the said Patrick, the bastard, and James Andersoun to enter into ward within the tolbooth of Edinburgh within six days after being charged so to do and there remain until released by their Lordships; and they assoilzie the said William Andersoun, against whom nothing was proved. Further, the said Laurence Andersoun, who was personally present, took the next Council day to exhibit his lawful son, Patrick, before their Lordships to underlie their censure for his offence; and their Lordships ordain the said Laurence to pay each of the witnesses in the case, 40s. for their expenses.

Decreta, November 1633-April 1635. Fol. 72, a.

Fol. 72, b.

Fol. 73, a.

Complaint by Gilbert Taylor, messenger in Mylnehous, against David Muirhead and others for assault.

Complaint by Gilbert Tailyeour, messenger in Mylnehous, as follows:—On 9th August while he was sitting in his own meadow which he has in tack from the Laird of Amisfeild, beside his "mawer," David Murehead and John Armestrang, servants to Robert Maxwell of Dinwiddie, and John Dinwiddie in Broomhill, John Dinwiddie in Burne, and John Murebane, tenants of the said Robert Maxwell, at the instigation of the said Robert, came, armed with swords, staves, whingers and other weapons, and assailing the complainer unawares, gave him many cruel wounds on divers parts of his body, specially a cruel stroke on the right hand with an "edged whinger," and another with a baton on the forehead "wherewith they dang out a peece of his harn panne" to the great effusion of his blood and peril of his life; and they took away the complainer's whinger with them. Charge having been given to all the persons complained upon, and the pursuer compearing and also the said

Decreta, November 1633-April 1635. Fol. 73, a.

Robert Maxwell for himself and in name of the other defenders, his tenants and servants, for whom he said he would answer, and parties and witnesses having been heard, the Lords assoilzie the defenders, against whom no part of the complaint was verified, but they commit the pursuer to the tolbooth of Edinburgh for eight days for his unjust complaint against the defenders, and ordain him to pay five merks to each of the witnesses produced.

Fol. 73, b.

Another complaint by the said Gilbert Tailyeour, as follows:—On 30th March last he charged John Maxwell of Castelmilk at the kirk of to find law-surety to David Haliday in Roberthill, whereupon the said John, with John Irwing his servant, Robert Maxwell of Dinwiddie and David Mureheid, his servant, armed with swords and other weapons, fiercely pursued him for his life, and the said John with a whinger gave him a bloody wound on the head, and his servant with a whinger gave him another on the , while the said Robert Maxwell and his servant also struck out at him with whingers, and they would have killed him but for the interposition of the gentlemen who were present. Charge having been given to the said Robert Maxwell and David Murehead, and they and the pursuer personally compearing and having been heard, the Lords assoilzie the defenders, who gave their oath of verity that the complaint was untrue.

Another complaint by the said Gilbert Taylor against John Maxwell of Castlemilk and others for assault.

Fol. 74, a.

Complaint by Andrew Fouller in Fisherraw, as follows:—John Smart there and Thomas Smart, his son, have conceived a deadly hatred against him, and with the object of taking his life they, on the 14th instant, when they knew he would be in Mussilburgh doing his business, lay in wait for five or six hours for his return at night, and set upon him at the back of the town of Fisherraw, "violentlie slang him to the ground and with thair haill force gave him a nomber of cruell strokes with spaids upon the sides and others parts of his bodie and brake three ribs of his side." They left him lying and some neighbours carried him home, where he swooned thrice that night, and ever since he has been bedfast "in great pane and doller." The parties having been cited and the pursuer appearing by Mr. Alexander Fouller, his procurator, but the defenders not compearing, the Lords ordain them to be put to the horn and escheated.

Complaint by Andrew Fouller in Fisherrow against John Smart and his son Thomas Smart for assault.

Fol. 74, b.

Complaint by David Rae, messenger, as follows:—On 14th March instant he was employed by John Moir, portioner of Aberargie, to execute letters of caption against Gilbert Geddes in Abirnethie, and having gone to the bailies of Abirnethie with the copy of the letters in his hand to charge them to apprehend the said Gilbert, the said Gilbert, suspecting the design, furiously ran at the complainer with a drawn whinger, struck at him therewith six or seven times, also gave him three or four strokes with his foot and "dang him backe over upon his backe." He would then have "sticked him with his whinger if the people had not tane him aff him and convoyed him to ane hous. Bot at

Complaint by David Rae, messenger, against Gilbert Geddes in Abernethy for assault while the complainer was discharging his office against the said Gilbert.

last he lap frome thame and of new sett upon the said messinger with his drawin durke and swore manie execrable oathes that he sould stick him and the bailleis; and when the people tooke the durke frome him the said Gilbert with his feit gave the said messinger manie bauche and blae straikes and had not failed to have slaine him wer not he wes rescued be the people." The pursuer compearing personally, but the defender not, the Lords ordain the latter to be put to the horn and escheated. Decreta, November 1633-April 1635. Fol. 74, b.

Edinburgh, 28th March 1634.

Sederunt—Chancellor; Glasgow; Erroll; Winton; Linlithgow; Kingorne; Roxburgh; Southesk; Tracquair; Bishop of Dumblane; Lord Areskine; Lord Bining; Lord Melvill; Clerk Register.

Supplication by Isabel Sinclair, and her husband, Robert Huldie, that the said Isabel, who is charged with witchcraft by Mr. John Home, minister at Eyemouth, may be freed from ward on giving proper caution.

Supplication by Isobel Sinclar, spouse of Robert Huldie in Eymouth, and the said Robert for his interest, as follows:—On 14th December last Sir Patrick Home of Aittoun, at the desire of Mr. John Home, minister at Eymouth, apprehended the said Isobel and put her in ward in the jail of Eymouth upon the bare suspicion that she was guilty of witchcraft, and after keeping her there all that month, he in January procured a commission to some gentlemen of the country for her trial. On hearing this she "wes exceedinglie rejoyced and earnestlie dealt with the said Mr Johne Home to caus putt her to her tryell with diligence." But he still keeps up the commission and keeps her imprisoned in great misery and under the imputation of this odious crime. "The said Mr Johne, being conscious to himselfe of his unconscionable behaviour toward the supplicant, he upon xvj day of Marche instant sent to her said husband and desired him to come to him, and when he come he promeist to gett his wife putt at libertie and to caus others smart and spend muche if he would follow his counsell, whilk wes to move his wife to say to the commissioners appointed for her tryell that she wes with barne, at the least that she feared that she wes with barne. And accordinglie at his directioun that afternoone the said supplicant wes brought furth of the jayle and delyvered to her husband, who caried her to Aittoun behind him on horseback, where the said Mr Johne with some of the commissioners and the said Laird of Aittoun and others gentlemen being present, she wes desired to give her great oath and sweare that she wes with barne; quhilk she refused and said that she feared onelie that she wes with barne. Quhereupon the commissioners, having tane counsell to putt her to libertie in the meane tyme, the Laird of Cumledge come in and alledged that seing she wes tane and keeped so long prisoner without ane warrand and that the saids Lords had direct ane commissioun for her tryell thairfoir they could not put her to libertie without the saids Lords thair warrand; and thereupon they resolved that her said husband behoved to come in to Edinburgh with the said Mr Johne upon Fol. 75, a.

Decreta, November 1633-April 1635. Fol. 75, a.

the morne and procure this warrand. And accordinglie her said husband prepared himselfe and come upon the morne in the morning to the said Mr Johne to attend his going to Edinburgh; bot Mr Johne, alledging her husband wes bot ane poore man and had manie barnes, desired him to remane at home and he would do the turne and send him word againe Fryday of the Counsells answer anent her libertie. And so her husband, simplie beleeving him, stayed at home. Bot upon Fryday Mr Johne wrote home to the Laird of Aittoun and his wife that the Counsell sitts onlie upon Thursday and thairfore he could not gett the turne done and desired the supplicant's husband to have patience till the next weeke." Their Lordships will see by these indirect courses the injury done to the supplicant, and that this was but a trick of the minister to prevent her complaining to their Lordships before the rising of the Session; and she craves that their Lordships would command the Laird of Aittoun or Sir John Home of Blacader, David Ramsay of Edingtoun, Patrick Home of West Restoun, and Mr. Alexander Lawder of Gunsgreene, the commissioners named for her trial, to put her to liberty on finding caution in 500 merks to appear before the said commissioners, or their Lordships, or any other judges they may appoint on a lawful charge. The Lords, after hearing the said Mr. John Home, who was present, ordain the said Sir Patrick Home to put the supplicant to liberty on the conditions above stated.

Fol. 75, b.

Sederunts, November 1629-January 1635. Fol. 119, b.

"Ane act past in favors of the toun of Edinburgh anent the ministers stipends." Edinburgh, 28th March 1634.

"The Lords thinkes meit and therewithall gives power to the Erle of Hadintoun, in absence of the Lord Chanceller, and to the Erle of Winton, in absence of the Erle of Hadintoun, to conveene the Counsell in the vacance upon incident occasions requyring a present resolution and dispatche." Stipends of the ministers of Edinburgh. Anent the summoning of the Council in time of vacation.

"The Lords ordains the lairds of Balbegino and Moncur of that Ilke to be adjoynned to the justices of peace of the shirefdome of Perth." Two new justices of peace for the sheriffdom of Perth.

"The quhilk day the Lords declares that Robert Dumbar of Moynes, entering his person in waird within the tolbuith of Edinburgh for obedience of the charge givin and execute aganis him upon the complaint of Archibald Torry, messenger, sall be free of all arreistments to be layed upon him for civil causes and sall not be deteanned be vertew thairof after his releasement frome his waird be the Counsell for the caus abovewrittin." Robert Dunbar of Moynes to have immunity from arrest.

Acta June 1632-June 1634. Fol. 271, a.

Sederunt—Privy Seal; Glasgow; Erroll; Murrey; Winton; Linlithgow; Kingorne; Roxburgh; Galloway; Lauderdaill; Southesk; Tracquair; Lord Bining; Lord Melvill; Clerk Register. Edinburgh, 29th March 1634.

"Forsamekle as the Lords of Privie Counsell ar informed that in the moneth of last Johne Finlay in Canilert of Abiryeldie came Commission to James, Lord Carnegie, and

Alexander Gordon of Abergeldie, to apprehend John Finlay in Camlert of Abergeldie, who is at the horn for robbery.

under cloud and silence of night to the dwelling hous of Androw in Dubbitoun, brake up the doores thairof and spoyled and herryed the honest man and tooke away be stouthreaffe his whole moneyes and what ellis wes within the hous and he is now become fugitive and outlaw for the same; and whereas the impunitie of suche disordered and brokin lymmars may prove dangerous to his Majesteis good subjects and embolden the saids lymmars to continew in thair wicked trade of life, thairfoir the Lords of Secreit Counsell hes given and grantit and be the tennor heirof gives and grants full power, auctoritie and commissioun, expresse bidding and charge, to James, Lord Carnegie, and Alexander Gordoun of Abiryeldie, conjunctlie and severallie, to pas, searche, seeke and take the said John Finlay where ever he may be apprehended and to bring, present and exhibite him before his Majesteis Justice and his deputs to underly his tryell and punishement for the cryme foresaid as accords; and generallie all and sindrie others things to doe, exerce and use quhilks for apprehensioun and exhibitioun of the said Johne is requisite and necessar; firme and stable halding and for to hald all and quhatsumever things sall be lawfullie done heerin; commanding heirby the provest and bailleis of Edinburgh to receave the said Johne Finlay frome the saids commissioners, or suche as sall have the charge of his convoy, and to committ him to waird within thair tolbuith, therein to remane upon his owne expensses till justice be ministrat upon him, as said is, as the saids provest and bailleis will ansuer upon the contrare at thair perrell." Acta, June 1632-June 1634. Fol. 271, a.

Directions for the conveyance to Edinburgh of John Leith of Harthill and two of his accomplices, all at the horn for civil and criminal causes.

"Forsamekle as it is understand to the Lords of Privie Counsell that Johne Leith of Harthill, being a long tyme bygane rebell and at the horne als weill for civill as criminall causses, quhereupon not onelie followed the executioun of captiouns bot also of letters of treason, and ample commissiouns were direct aganis him, all quhilks he hes dissobeyed and slighted the executioun thairof by keeping his hous of Harthill as ane hous of warre and associating unto himselfe great numbers of brokin men and sorners with whome he hes latelie verie heavilie infested diverse parts of the countrie beside Aberdein, by spoyling of the housses of nombers of his Majesteis good subjects, binding and carying of thameselffes captives to the hillis, to the great terrour of the countrie people; and now at last he is happilie tane and apprehended by the hazardous travellis and adventures of the gentlemen who wer entrusted with commissioun aganis him, in whois custodie and keeping he presentlie remaines. And whereas the exemplar tryell and punishement of suche disordered and brokin men imports verie neerelie the peace and quyetness of the countrie, thairfoir the Lords of Secreit Counsell hes thought fitt and expedient that the said Johne Leith and Angus Schaw and pypper Boyne, two of his complices who wer tane with him, sall be brought heir to Edinburgh to underly thair tryell in maner following, and thairfoir ordains letters to be direct charging the shireff of Aberdein to receave Fol. 271, b

Acta, June 1632-June 1634. Fol. 271, b.

the said Johne Leith and his twa complices frome the commissioners who hes him in keeping within ane houre after they sall be presented unto him, under the pane of rebellioun and putting of thame to the horne, and if they failyie, to denunce, etc., and to transport and carie thame to the shireff of Kincardin; and siclyke charging the said shireff of Kincardin and his deputs to receave the said Johne Leith and his saids complices frome the said shireff of Aberdein and suche as sall have the charge of thair convoy within ane houre nixt after they sall be presented unto thame, under the said pane of rebellioun, and to transport and carie thame in suretie to the shireff of Forfar and his deputs; and siclyke to command and charge the shireff of Forfar and his deputs to receave the said Johne Leith and his twa complices frome the said shireff of Kincardin and his deputs and to transport and carie thame to the shireff of Fyfe and his deputs; and siclyke to command and charge the said shireff of Fyfe and his deputs to receave the said Johne and his saids complices from the said shireff of Forfar within ane houre nixt after they sall be presented unto thame, under the said pane of rebellioun, etc., and to transport and carie thame to the bailleis of Kingorne and to command and charge the saids bailleis of Kingorne to receave the said Johne Leith and his saids twa complices frome the said shireff of Fyfe and his deputs within an houre after they sall be delyvered unto thame, under the pane of rebellioun, etc., and to transport thame over to the bailleis of Leith; and siclyke to command and charge the said bailleis of Leith to receave the saids Johne Leith and his saids complices frome the saids bailleis of Kingorne within ane houre nixt after they sall be presented unto thame, under the said pane of rebellioun, &c., and to carie him in suretie to the provest and bailleis of Edinburgh, and to command and charge the saids provest and bailleis of Edinburgh to receave the saids Johne Leith and his twa complices frome the bailleis of Leith within ane houre nixt after they sall be presented unto thame, under the said pane of rebellion, &c., and to committ thame to waird within thair tolbuith, therein to remaine upon thair awne expenses till forder order and directioun be givin anent thair tryell as accords; and if the saids shireffs and bailleis and thair deputs failyeis the tymes respective foresaids being bypast, to denunce thame rebellis and put thame to the horne and to escheit, etc."

Fol. 272, a.

Letter of Council to his Majesty anent the appointment of the Lord of Spynie as muster-master. See *ante*, p. 237.

"The Lords of Secreit Counsell continewes the mater anent the mustour maister till the moneth of Junij nixt and ordains ane missive to be writtin to his Majestie heeranent, of the quhilk the tennor followes:—Most sacred soverane, Whereas the ordering of the patent grantit be your Majestie to tho Lord of Spynie of the office of generall mustour maister within this kingdome, with the modification of the fees dew to him for discharging of the service, wes by reference of the lait parliament remitted to the Counsell, the prosecution whairof being by a letter frome your Majestie recommendit unto us, we accordinglie wrote for some commis-

sioners for ilke estait, with whome we having keeped sindrie meetings and conferred with thame concerning that purpose, there occurred some difficulteis that upon the suddane conld not be resolved; for the better cleering whairof we have continued this bussines till Junij nixt, and have heirby thought good to acquaint your Majestie with the reason of this short delay, whiche we intreate your Majestie favourablie to accept. And so praying God to blesse your Majestie with a long and happy raigne, we rest, etc. Frome Edinburgh, the 29 of Marche, 1634. *Sic subscribitur*, Hadinton, Glasgow, Mairshell, Winton, Roxburgh, Lauderdaill, Southesk, J. Hay, S. Thomas Hop." Acta June 1632-June 1634. Fol. 272, a.

Edinburgh, 29th March 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 75, b.

Complaint by Agnes Duncan, indweller in the Canongate, against John Seton, baker there, for illegally detaining her in ward.

Complaint by Agnes Duncan, indweller in the Cannogait, as follows:—John Seatoun, baker there, without any legal process, moved the bailies of the Cannogait to imprison her in October last, and has kept her there now for five months, alleging that she is due to him £60 "for certane aill run be her to him quhilk she fristed[1] out at his command to honest men and neighbours about," and of which he has since received payment as he cannot on his conscience deny. She has frequently urged the bailies to cite him to make count and reckoning and so determine the state of the matter, but he refuses to obey the citations, and the bailies will neither grant her her liberty nor modify her maintenance, and she is like to starve. Charge having been given to the said John Seatoun, and to Mr. James Wilkie and James Simsoun, bailies of the Cannogait, to produce the complainer, and she compearing personally, but the defender not, the Lords ordain the said bailies to liberate the pursuer. Fol. 76, a.

Supplication for protection by George Chalmer of Balbithane that he may attend an action before the Court of Session.

Supplication by George Chalmer of Balbithane, as follows:—The protection granted by their Lordships to him for attending an action before the Lords of Session between him and William Seatoun of Meldrum about the latter's intromissions with the supplicant's estate expires on the 31st instant, and the Lords of Session have appointed Sir John Scot, one of their number, to audit the accounts and convene parties before him on 1st June next. He therefore craves that his protection be extended, and the Lords grant this until 30th June next. Fol. 76, b.

Supplication by Edward Johnstone for protection that he may satisfy his creditors.

Supplication by Edward Johnestoun, merchant burgess of Edinburgh, as follows:—Their Lordships' protection to him for ingathering of his debts expires on 31st instant. He has brought his affairs to "some good point," and now wishes to go north to uplift some debts there whereby he hopes to pay all his debts. He therefore craves an extension. This the Lords grant until 17th December next.

[1] Gave on credit.

Decreta, November 1633-April 1635. Fol. 77, a

Sederunt—Privy Seal; Winton; Annerdaill; Bishop of Dumblane; Lord Bining; Master of Elphinston; Advocate; Sir James Baillie. Edinburgh, 7th May 1634

Complaint by Patrick Dunbar of Inchebrok against John Dunbar of Moynes, who refuses to pay the complainer his just debts.

Complaint by Patrick Dumbar of Inchebrok, as follows:—John Dumbar of Moynes is at the horn at his instance for not paying to him 800 merks of principal and 200 merks of expenses, and also for not delivering to him £10 for each of sixteen bolls "charitie" beir from 1st April, 1606, to 6th July, 1612. All legal execution has proved ineffectual and he has been kept out of his money from 1612 to 1622, when the complainer procured letters of treason against him and by which on 30th May, 1622, John Dumbar, messenger, charged the said rebel to render his house of Moynes, and enter himself in ward within fifteen days, or be held and reputed as a traitor. He, however, still stands out in his disobedience.

Fol. 77, b. Charge having been given to the said rebel to appear and see order given to the King's Advocate to pursue him as a traitor for his forfeiture, and both pursuer and defender being personally present and having been heard, the Lords ordain the King's Advocate to pursue the defender as a traitor for his disobedience, but the Lords continue the giving out of the decree until 3d June next, on which day he has given his great oath that he will appear before the Council and underlie such further order as they shall then see cause to take with him. And meanwhile that he may go about and deal with his creditors, the Lords grant him their protection until 8th June next.

Fol. 78, a. Complaint by William Cunninghame, burgess of Kingorne, and John and James Broun there, as follows:—On 8th April instant the complainers were in an inn in the town of Wemes kept by Isobel Dick, spouse to the said William Cunninghame, when Patrick McKeinzie, indweller in Orkney (who has lived with the said Isabel Dick in double adultery, having a wife of his own, since 1621, for which they are under the censures of the Kirk), also being there, not content with his former wicked conversation with the said William's wife, now resolved to take his life. He, for this effect, directed Thomas Cowane, Robert Dick, David Drybrow and Patrick Ramsay in Wester Wemes to set upon the complainers in the said house, and they came "to the compleaners as they wer sitting at ane table, and first certane weomen gripped thame be the armes untill the persons foresaids with great rungs gave the compleaners manie bauche, blae and bloodie straikes in diverse parts of thair bodeis, wherewith they dang out twa of the said James Broun his fore teeth and brake the said William Cunningham's heid to the great effusion of his blood; thereafter rave all his cloathes and perforce carried him out of his awne hous, and had not failed to have slaine the compleaners wer not thair awne better defence and helpe of the nighbours." Charge having been given to the said Thomas Cowane, Robert Dick, David Dry-

Complaint by William Cunningham, burgess of Kinghorn, and John and James Brown there, against Patrick M'Kenzie and others for assault.

brow and Patrick Ramsay, and the pursuers compearing personally, but the defenders not, the Lords ordain the latter to be put to the horn and escheated. Decrets, November 1633-April 1635. Fol. 78, b.

Supplication by John Leith of Harthill for a trial anent the offences with which he is charged by Adam Abercromby.

Supplication by John Leith of Harthill, as follows:—His youth and the follies incident to youth have brought upon him many heavy troubles and inconveniences, and he is now at last close prisoner in the tolbooth of Edinburgh, deprived of the presence and comfort of his friends, who are refused access to him, and who could give him their counsel and advice in his present distress. This he thinks to be so great as that no man underlies greater, seeing he has not the means of supporting his natural life, "and his credite is become so shorte as nane will undertake to furnishe him, he being deprived of all possibilitie and meanes to releeve thame, his small estait being burdenned with lyverents whairof the greatest part, quhilk will surmount to twentie foure hundreth merkes, is in the hands of Adame Abircrombie, who hes so heavilie persecuted the supplicant, partlie be law and indirectlie be his craft and policie, as the supplicant is now undone, for in all the informations that he hes made to the saids Lords agains him he hes made thame seeme to be mountanes; and becaus the supplicant feared to compeir to justifie his owne doings all wes tane for good coyne that wes objected again him, and he wes made to be a verie rebellious and dissobedient person in the saids Lords their hearing, whereas if he had beene so happie as to have compeired and justified his awne doings, the most part of the informations made aganis him would have evanished in smoake, and he is now verie willing to answer to anie thing that the said Adame or anie other hes to lay to his charge." He craves that the Lords will appoint a day in June next for his trial. The Lords appoint the 24th of June next and ordain the said Adam Abircrombie to be cited to prosecute that day, and that meanwhile the friends of the supplicant have access to him in the tolbooth to confer with him and assist him in this business.

Complaint by James Crawford, burgess of Edinburgh, and William Hog, his son-in-law, against James Peirsone, one of their creditors, who seeks to prevent them from obtaining protection. Fol. 79, a.

Complaint by James Crawford, goldsmith, burgess of Edinburgh, and William Hog, his son-in-law, as follows:—James Peirsone was made assignee by Robert Peirsone, his father-in-law, to the sum of 1000 merks in an alleged bond granted by the complainers to the said Robert; and the matter of the debt was judicially submitted to the arbitration of Mr. Alexander Gibson of Durie and James Inglis of Inglestoun with his Majesty's Advocate as oversman. But meanwhile the said James has privately taken out protestation against the complainers and stirs up their other creditors against them to the same effect, so that, unless their Lordships provide a remedy, they will be frustrated of the benefit of the law. Charge having been given to Robert and James Peirson and Alexander Lokhart to compear and see protection granted to the complainers, and both pursuers and defenders compearing and having been heard, the Lords grant their protection to the complainers in respect of any claims by the defenders (no limit being stated as to time) but with this proviso,

Decreta, November 1633-April 1635. Fol. 79, b.

that if the pursuers do not obtain relaxation from the horn either by payment of the claims of the defenders, or by obtaining a decree upon the foresaid submission they will never get any further protection.

Supplication by Charles, Earl of Dunfermline, bailie of the regality of Dunfermline, for direction as to the trial and sentence of Patrick Drummond and his spouse, who are guilty of a double murder.

Supplication by Charles, Earl of Dumfermeline, bailie of the regality of Dumfermeline, and his deputes thereof, as follows:—Their Lordships have heard of "the most cruell, barbarous and detestable murder committed be Patrik Drummound, now prisouner in the tolbuith of Dumfermeline, upon umquhill Donnald Fraser, and his wife, who wes great with childe, and thair twa childrein, who wer all fyve in nomber." It has pleased God to cast him into their hands, and as such a crime deserves the most exemplary punishment that can be devised, they crave their Lordships' direction in the business in respect of the following points:—(1) If they may proceed in the trial without a citation; (2) What doom they shall pronounce; and (3) What they shall do with his wife, Christian Abercromby, who knew her husband's intention to commit these murders and counselled him thereto. The Lords having considered the matter, with the depositions and confessions of the said Patrick and his wife, direct the supplicants (1) To proceed against the said Patrick and his spouse upon an orderly citation of six days; (2) To pronounce doom against the said Patrick, "ordaining his right hand to be cutt aff and thereafter himselfe to be hanged to the death and to be quartered and drawin and his head to be sett upon the tolbuith of Dumfermeline, and his hand to be sett upon the hous where the murder wes committed"; and (3) To proceed likewise against Christian Abircrombie and "sentence her to be hanged to the death with her husband."

Supplication by George Melville of Garvock, who has spent his means in the manufacture of silk, for protection that he may satisfy his creditors.

Supplication by George Melvill of Garvock, as follows:—He has procured a patent from his Majesty for manufacturing silks within this kingdom, and has expended a large part of his fortune and estate upon the perfecting of his work, and even launched himself into debt. He has brought it to good perfection, but there are some evil-disposed persons, who are resolved to defeat his purpose, to the hurt and prejudice of the commonwealth, and have stirred up his creditors to execute captions against him. If he had a short time and leisure granted to him to follow out his works and to attend some actions he has before the Court of Session he would easily content his creditors; and so he craves their Lordships' protection. This the Lords grant until 1st August next.

Fol. 80, a.

Supplication for protection by Sir Alexander Home, apparent of Manderston.

Supplication by Sir Alexander Home, apparent of Manderstoun, as follows:—Upon learning his father's resolution to sell part of his lands for satisfying his creditors their Lordships granted to him their protection to that end. The supplicant is in the same situation as his father, and without him nothing can be finally concluded. He therefore craves their Lordships' protection. This the Lords grant till 30th September next.

Fol. 80, b.

Complaint by Isobel Dick against her

Complaint by Isobel Dick, spouse of William Cunninghame, mariner in Kingorne, and Elspet Dick, widow of James Ridpeth in Wester

husband, William Cunningham, from whom she is separated, for injuring and robbing her goods.

Wemes, as follows :—" The said Williame, having most unkyndelie and undewtifullie deserted and left the said Isobell, his spous, her societie and companie, and dispouned upon her haill movables and plenishing and what belonged to her, intending thereby to reduce her to beggerie, the honest woman wes forced upon this occasioun to shift for herselfe and hes lived apart frome him by selling and buying of Scotish cloath, woollen and linning, and venting of aill, wyne and beir in the Wemes and elliswhere now be the space of twelffe yeeres and abone, looking that her said husband would not have troubled her in this her honest and lawfull purchasse. Notwithstanding quhairof he hes resolved by all meanes directlie and indirectlie to wracke and undoe her; as, namelie, he hes made simulat bands unto persons to whome he wes no wayes debtfull, and hes thereupon oftin and diverse tymes poynded her hous. And not content therewith, upon the day of Aprile last, the said Isobell being in Edinburgh buying wynes for furnishing her hous, the said Williame, accompanied with James and George Brouns, cordonners in Kingorne, come to the said Isobells hous in Wester Weems about foure houres at night, remained within the same till aucht houres, shott the servants furth of the hous and with ane great yrne rod brake her dressers, almereis, aikin boords, bed and kists, brake twa silver tasses of ten unce weight and tooke the same away, togidder with threttie punds of silver and threttie elne of cloath, dranke ane great quantitie of wyne and beir being in the hous, lowsed the plowckes of the puncheons and barrells and spilt the wyne, aill and beir athort the hous, cruellie strake, hurt and woundit the said Elspitt Dick, tramped and tred upon her with thair feit and had not failed to have slaine her and to have brokin and destroyed all that wes in the hous if the nighbours had not stayed thame." The pursuers compearing personally, but not the defenders, and witnesses having been heard, the Lords find that the said William Cunninghame came to the said Isobel Dick's house in the Wemes, " strake up ane chalmer doore and rolled the barrells athort the ground," and has thereby done a wrong to the said Isabel, she living separate from him in a house by herself; and they ordain him to pay two merks to each of the two witnesses produced in the case, and to find caution in 300 merks for the future indemnity of the said Isobel. And the Lords assoilzie the said James and John Broun, as the witnesses proved nothing against them. They also ordain Isobel Dick to find caution in 300 merks in the books of Privy Council for the indemnity of the defenders.

Decreta, November 1633-April 1635. Fol. 80, b.

Fol. 81, a.

Complaint by William Henderson, messenger in Edinburgh, against William Hog in Pleasance and others for assault while

Complaint by William Hendersoun, messenger in Edinburgh, and Alexander Lokhart, merchant burgess there, as follows :—On April last the said William Hendersoun was charged by George Neill, messenger, by virtue of letters of caption at the instance of the said Alexander Lokhart against William Hog in Pleasance, to apprehend the said William, and on the 25th April he proceeded to the dwelling house of the

Fol. 81, b.

[illegible] November [illegible] April [illegible] Fol. 81, b.

said William and apprehended him there, commanding him to go to ward with him. Thereupon the said William Hog, Margaret Crawfurd, his spouse, Bessie Shortes, his servant, Annas Hamiltoun and John Haistie, her spouse, and James Ralstoun, writer in Edinburgh, with staves, "treporring yrnes and taings felde the messinger to the ground, cruellie woundit him upon the mouth, nose, eares and others parts of his bodie to the effusion of his blood, quhereby his head swelled so big that he could nather heare, see nor speake, barbarouslie bait him throw the right arme left hand, thoumb and little finger, tooke his blasoun frome him, rave his ruffe and cloathes aff him and with thair saids weapouns and feit so pitifullie bled, birsed and bruised his sides, legges, hoghes, thighes and haill parts of his bodie, as he is not able to stirre, speeke, heare or see, bot is lying bedfast in great perrell of his lyfe." Charge having been given to these persons, and the pursuers compearing personally and of the defenders James Ralstoun, John Haistie and William Hog, the two latter appearing also for their wives and servants, and parties having been heard and witnesses examined, the Lords assoilzie the defenders, as nothing was proved against them.

He was discharging his office in apprehending the said William Hog.

Fo. 82, a.

Counter complaint by William Hog in Pleasance, as follows:—On 25th April last Thomas Mowat, John Oliver and William Hendersoun, messengers, came to his dwelling house in Pleasance under cloud and silence of night, put hands on him and would have carried him to ward, although he produced to them a protection granted to him until 8th May next, which the messenger proudly refused to acknowledge, neither would they shaw their warrant. Further, they violently struck, hurt and wounded the complainer and his wife and children, rave his clothes, and had almost strangled him but for the help of the neighbours. Charge having been given to the said messengers, and the pursuer compearing, also of the defenders, William Hendersoun and John Oliver, and they and witnesses having been heard, the Lords found it proved that the said William Hog presented and showed his protection to the said William Hendersoun, and that Henderson refused to respect it, whereupon Hog took instruments; in respect whereof the Lords admonish the said messenger "to be more respective of the Counsellis protectioun in tyme comming."

Counter-complaint by William Hog in Pleasance against William Henderson, messenger, for disregarding the protection granted to the complainer by the Council.

Complaint by James Lesly, messenger in Edinburgh, and James Scot, son of Thomas Scot, merchant burgess of Edinburgh, as follows:—On 15th November last the said messenger went to the dwelling house of Jean Stirline, daughter of the Laird of Keir, in the burgh of Edinburgh, to poind her goods in terms of a precept from the Commissariot of Edinburgh obtained against her by the said James Scot for a debt of 20 merks and 26s. 8d. of expenses, when the said Jean craved a sight of

Fol. 82, b.

the warrant, and having received it, "she brunt it in the fire, swearing with manie execrable oathes that she did not care for anie lawes in the kingdome, and then drew ane knyfe, threatning therewith to take the

Complaint by James Lesly, messenger in Edinburgh, against Jean Stirling, whom he accuses of burning the warrant for her arrest.

messingers lyfe and avowing to have his lyfe by som slight man whome he sould not know." Charge having been given to the said Jean Stirline, and both pursuer and defender compearing, the pursuer for probation referred to the defender's oath, and she, being sworn and denying the accusation, the Lords assoilzie her. Decreta November 1633-April 1635. Fol. 82, b.

Complaint by Mr. David Ayton, agent in Edinburgh, against Patrick Halket of Lumphinnans for refusing to give the complainer a discharge for a sum which the complainer offers to pay the said Patrick in liquidation of his debt.

Complaint by Mr. David Aittoun, agent in Edinburgh, as follows:—He is charged at the instance of Patrick Halket of Lumfynnance to pay to him 8s. for every day from 25th March last until 3rd June next, in terms of a decreet by their Lordships, and he intends if he do not pay within a short space to put him to the horn. Now, for obedience of the charge, shortly after receiving it he sent Mr. John Abircrombie, his procurator, to Edinburgh, who on the penult of this instant month [it would be April] made offer of payment to the said Patrick in the complainer's name of the said sum, amounting to £28, upon receiving a sufficient and lawful discharge, which the said Patrick refused to give, as an instrument thereupon taken under the hand of Mr. James Cheyne, notary, shows. He has therefore consigned the sum in the hands of the Clerk of Council to be given up to the said Patrick upon his granting his discharge for the same, and craves suspension of the horning. Parties compearing and having been heard, the Lords suspend the horning in respect of the consignation of the money, and also ordain the Clerk to give up the said money to the said Patrick Halket. Fol. 83, a.

Warrant to John, Lord Torphichen, to restore certain oxen and horses to their owner in Northumberland, Griffin Wmkills, from whom they have been stolen.

The Lords understanding that some oxen and horses were lately stolen from Griffon Wmkills of Harnam in the county of Northumberland and brought within this kingdom, and that three of the said oxen and a grey gelding were sold to James Tennent of Blackhall and are presently in his possession, of which reason and equity crave that restitution should be made to the said Griffon Wmkells, if it can be proved that these belong to the said Griffon, give therefore authority to John, Earl Torphichin, to call the said James Tennent before him and cause him to exhibit the said oxen and horse, and take such a course as shall secure their being forthcoming to the true owner. He is to find out from whom Tennent bought them, the price he paid for them, make note of the size and any marks by which the animals can be distinguished, and report the same in writing to their Lordships. Fol. 83, b.

Commission to John, Earl of Rothes, and others to have others of the stolen cattle and horses restored to Griffin Wmkills.

In the same matter, the Lords, understanding that on 10th October last ten oxen were stolen from the said Griffon Wmkells and brought into this kingdom, of which seventeen [*sic*] were brought to Falkland upon Hallow day last and sold to the following persons, viz:—one to James Lathreis in ; two to James Hartlie in Falkland, who sold them to David Patersone and he again sold them to Androw Melvill, tenant to Lord Durie; other two were bought by James Sibbald of Bowslie; another was bought by George and William Melvill in Donyface; and two were bought by Andrew Bowman in ; and that these are still in possession of these persons, who ought in reason to

Decreta, November 1633–April 1635. Fol. 84, a.

make restitution thereof to the said Griffon Wmkills, if he can prove them to be his; the Lords therefore grant permission to John, Earl of Rothes; John, Earl of Annerdaill; and Sir Thomas Hope of Craighall, his Majesty's Advocate, or any two of them, to meet when and where it may be convenient, call the possessors of the said oxen before them with the said oxen, and taking such means as shall secure their being made forthcoming to the true owner, note the size and peculiarities of the animals and "how they are gaired and marked," and report to the Clerk of Council with all diligence.

Complaint by Griffin Wmkells against James Lathreis and others, who were in possession of certain of his stolen cattle and refuse to make restitution to the complainer.

Complaint by Giffon Wmkills of Harnam in Northumberland, as follows:—Ten oxen were stolen from him on 10th October last out of his lands of Harnam and brought to this kingdom, of which seven were brought to Falkland upon Hallow day last and sold there, one to James Lathreis in for ten dollars, and this ox was in his possession on 30th April last; two were bought by James Haitlie in Falkland; other two by James Sibbald of Bouslie; and one by Andrew Bowman in ; which are either yet in their possession or were sold by them. "The good intelligence and mutuall nighbourheid betuix the twa kingdoms craves that in maters of this kynde summar justice sould be done to compleaners," and therefore that these persons should make restitution or pay him £6 sterling as the value of each ox. But they will not do so unless compelled. Charge having been given to the said James Lathreis, James Haitlie, James Sibbald, Andrew Bowman, and Robert Durie, by whom the complainer's said oxen were bought, and in whose possession they presently remain, or who have disposed of them, and both the pursuer and the defenders compearing, and the latter being questioned, James Lathreis and James Sibbald acknowledged buying and having still the oxen libelled at the market of Falkland; James Haitlie said that he bought two and sold them to David Patersoun, who again sold them to Andrew Melvill, tenant to Lord Durie, and Robert Durie denied that he bought any, but said that George and William Melvill in Donyface bought one; in respect whereof the Lords assoilzie James Haitlie and Robert Durie, reserving action to the pursuer against the havers of the goods; and that justice may be done to the pursuer, they ordain John, Earl of Rothes, John, Earl of Annerdaill, and Sir Thomas Hope of Craighall, his Majesty's Advocate, or any two of them, to convene the defenders before them and other havers of the said goods, and cause them to exhibit the same, and report as formerly directed to the Clerk of Council, so that the same may be sent to the Justices of Peace in Northumberland, to whom, or any two of whom, the Lords give power to take evidence of the identity of the oxen stolen. And James Sibbald and James Lathreis protest that if their oxen die during the dependence of the trial they shall be free of the delivery thereof or of their value.

Fol. 84, b.

Fol. 85, a.

Sederunts, November 1629–January 1635. Fol. 119, b.

Edinburgh, 7th May 1634.

"A letter frome his Majestie anent a commission for the Middle Shires to be drawin up be the Advocat, quhairanent ordains a letter to

Commissionership of the Middle Shires.

be writtin to the Secretary to send doun a double of the commissioun past in England to the effect the like may be formed heir." Sederunts, November 1629-January 1635. Fol. 119, b.

Patrick Halket. See *ante*, p. 258.

"The Lords ordains Patrik Halket to be keeped in waird till the nixt Counsell day, and ordains Mr David Aittoun to pay his modificatioun weekelie and failyeing thairof to pay the double."

Cristell Sandie.

"Ane missive to the Lord Johnestoun for apprehending Cristell Sandie and others."

Edinburgh, 3rd June 1634.

Sederunt—Chancellor; St. Andrewes; Treasurer; Privy Seal; Wintoun; Wigtoun; Galloway; Annerdaill; Dumfreis; Tracquair; Bishop of Dumblane; Clerk Register; Advocate. Acta, June 1632-June 1634. Fol. 272, b.

Proclamation to be made that the impost on coal is henceforth to be doubled.

"Forsamekle as the extraordinarie transportation of coale to forrane parts hes beene by diverse acts of parliament prohibite, notwithstanding upon some good considerations the transportation of coale is tolerat for payment to his Majestie of a certane custome, and his Majestie being sufficientlie informed that for diverse respects importing the good of his service it is requisite that there be a further imposition of custome, and that it may be takin without prejudice of the trade or of the owners of the coalepots, to whome his Majestie will give no just caus of discouragement, thairfoir his Majestie, with advice of the Lords of Privie Counsell of the kingdome of Scotland, have ordained, and be the tennor heirof ordains, that the custome formerlie raised upon coale be doubled by the addition of just so muche thereunto as hes beene formerlie payed, and that this new additioun with the said former custome be imposed and leveyed upon and of the chalder of Scotish measure of coale transported or to be transported frome Scotland to anie part beyond the seas, not being of his Majesteis dominions, and that for and towards satisfactioun to his Majestie and his successors of all customes and impositions whatsomever to be leveyed and takin of the said coale so to be transported. And his Majestie ordains and commands his officers to whois charge it apperteaneth to have a speciall care and regarde that this impost and custome so raised upon the coale be trewlie uplifted and payed to his Majesteis use in the same maner as the said impost wes leveyed before, and that the Lords of his Majesteis Exchecker grant letters heerupon for payment of this new additioun of custome with that quhilk wes formerlie grantit in forme as effeiris. Thairfoir his Majestie with advice of the Lords of Privie Counsell ordains letters to be direct to make publication heirof be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull, wherethrow nane pretend ignorance of the same."

Signature anent the impost foresaid.

"The whilk day the signature underwrittin, signed be the Kings Majestie, anent the doubling of the custome formerlie raised upon the coale transported beyond sea being presented to the Lords of Privie Counsell and read in thair audience, the saids Lords allowed of the said

Acta, June 1632-June 1634. Fol. 273, a.

signature, past, exped and subscryved the same in Counsell, and ordains the same to be registrat in the bookes of Privie Counsell and letters of publicatioun to be direct thereupon, of the quhilk signature the tennor followes:—CHARLES R.—Our souerane lord ordains ane letter to be made under the great seale of Scotland makand mentioun that whereas the extraordinarie transportation of coale to forrane parts hes beene by diverse acts of parliament prohibite, notwithstanding upon good considerations the transportation of coale is tolerated for payment to his Majestie of a certane custome; and his Majestie being sufficientlie informed that for diverse considerations importing the good of his Majesteis service it is requisite that there be a forder imposition of custome, and that it may be takin without prejudice of the trade or of the owners of coalepotts, to whome his Majestie will give no just reason of discouragement, thairfoir his Majestie, with advice and consent of the Lords of his Majesteis Privie Counsell of the said kingdome, hes ordained, and be the tennor heirof ordains, that the custome formerlie raised upon coale be doubled be the additioun of just so muche thereunto as hes beene formerlie payed, and that this new addition with the said former custome be imposed and leveyed upon and of the chalder of Scotish measure of coale transported or to be transported frome Scotland to anie part beyond the seas, not being of his Majesteis dominions, and that for and towards satisfactioun to his Majestie and his successors of all customes and impositions whatsoever to be leveyed and takin of the said coale so to be transported. And his Majestie ordains and commands his Majesteis officers to whois charge it apperteanes to have a speciall care and regarde that this impost and custome so raised upon the coale be trewlie uplifted and payed to his Majesteis use in the same maner as the former impost wes leveyed before, and that the Lords of his Majesteis Exchecker grant letters heerupon for payment of this new additioun of custome with that quhilk wes formerlie payed in forme as effeiris. And his Majestie, with advice and consent foresaid, ordains publication to be made heirof be opin proclamation at the mercat croces of the heid burrowes of the said kingdome and others places neidfull wherethrow nane pretend ignorance of the same, and that thir presents be a sufficient warrand to the Director of the Chancellarie for writting of the same to the great seale and to the Lord Chanceller for appending the great seale thereunto, without anie forder precepts to be direct thereupon. Given at his Majesteis court of Whitehall, the tent day of Aprile, 1634. *Sic subscribitur*, Geo. Cancell.; St. Andrewes; Morton; Hadinton; Winton; Wigtoun; Gallouay; Annandaill; Dumfreis; Tracquair; Bining; Ad. B. of Dumblane; J Hay; S. Thomas Hop. Followes his Majesteis missive anent the signature abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we intended to have imposed sax shillings

Fol. 273, b

Warrant from his Majesty for the above signature.

sterline upon everie chalder Scotish coale, Newcastell measure, transported frome Scotland to forrane parts, yitt, upon humble remonstrance made to us by our trustie and weilbelovit M. Robert Bruce in behalfe of the coalemaisters of that kingdome of the estait of the coale trade there, we have beene pleased to signe a signature onelie for doubling of the former impost raised upon coale, which we require may be exped under our great seale with diligence, for which these presents sall be warrand. We bid yow heartilie farewell. Frome our court at Whitehall, the 10th of Aprile, 1634." Acta, June 1632-June 1634. Fol. 273, b.

Papists in the Presbytery of Dumfries.

"The Lords of Secreit Counsell allowes and approves of the presbyterie of Dumfreis thair taking and committing of certane persons, hearers of messe, whome the Lords ordains the provest and bailleis of Dumfreis to exhibite before thame."

Charge to the magistrates of Dumfries to present before the Council certain Papists of the said burgh.

"Forsamekle as Elspitt Maxuell, callit of Conhaith, being lawfullie and orderlie excommunicat for poperie and having lyne under that censure this long tyme bygane, as she does yitt unrelaxt, in contempt of the law and scandall of the kirk, sho hes sensyne to the forder contempt and misregarde both of the kirk and law, made a pretendit mariage by a popish preist with Robert Rig at the Brigend of Dumfreis upon the feilds under silence of night with candle light, for the quhilk she is now prisouner in the jayle of Dumfreis; lykeas Elspit Maxuell, spouse to Robert Redick, Agnes Maxuell, her sister, Barbara Maxuell, callit the pope, Jeane Beatie in Dumfreis, Jonnet M°Nacht, spous to James Andersone, flesher, Johne Hirstane, Agnes Jacksone, spous to Marke Broun, Margaret Maxuell, Barbara Logane, wedow, Charles Maxuell, Helene Dobie, Marion Redick, Johne Thomsone, Jeane Maxuell, spous to Johne Irwing, Jonnet Redick, spous to Johne Maxuell, messenger, Marion Geddes, spous to Adame Sturgeon, younger, Jonnet Johnestoun, spous to David Fraser, Johne Maxuell, callit captans Jock, and Robert Moresone, all indwellers in Dumfreis, ar, or latelie wer, lykewayes prisouners in the said jayle for hearing of messe and being present thereat sindrie tymes within thir twelffe moneths bygane as thair confessiouns beiris; and whereas thir persons hes verie farre offended God, contemned the law and scandalled the kirk, and hes givin evill exemple to others to doe the like, if connivence and oversight be givin unto thame, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the provest and bailleis of Dumfreis, within whois jayle the persons foresaids ar or wer latelie, to bring or to caus thame be saifelie and surelie convoyed and brought to the burgh of Edinburgh and exhibite before the saids Lords at a certane day to the intent suche order may be tane with thame as may give terrour to others to committ the like, under the pane of rebellion and putting of the saids provest and bailleis to the horne, with certification, etc." Fol. 274, a.

Secreta, November 1633-April 1634. Fol. 85, a.

[Sederunt as recorded above.]

Edinburgh, 3rd June 1634.

Fol. 85, b.

In the complaint by Griffon Wmkellis of Harnam in the county of Northumberland (narrating the former proceedings of the Council in this matter, *ante* pp. 256, 257), and that the commissioners appointed had performed their part, as it now remains with the said Griffon to prove his ownership of the cattle he claims and this will be done with least inconvenience to his witnesses in England where the theft was committed, the Lords grant a commission to Sir John Fenwick, knight baronet, and Sir John Dalaveill, knight, jointly to meet at such times and places as may be convenient and take evidence respecting the goods alleged to have been stolen, their size and other distinguishing features, and make report thereof and of the depositions of such persons as shall be adduced as witnesses in writing to their Lordships, that, after comparing their report with the evidence taken in Scotland, they may do justice in the business.

Commission granted to Sir John Fenwick and Sir John Delavel to take evidence regarding the ownership of the cattle alleged to have been stolen from Griffin Wmkells.

Supplication by Alexander Livingstoun of Greenyairds, as follows :— He lately petitioned his Majesty for a protection so that he might go about and take some course for the satisfaction of his creditors, and his Majesty has declared his willingness to grant the same if their Lordships are satisfied with his proposals, which he desires shall be heard by them.

Supplication by Alexander Livingston of Greenyards for protection that he may satisfy his creditors.

Fol. 86, a.

Charge having been given to James Sinclair, servitor to the Laird of Polmais, Margaret Sinclair, his sister, John Smart in Hiltoun of Cawa, David Adame there, John Jarves in Achinbowy, William Merschell in Denny and Henry Simsoun, his son-in-law, William Walker in Milnetoun of Ochtirbannock, William and Alexander Rannalds, indwellers in Stirline, William Yair in Elphinstoun, Andrew Leckie in Kippen, Barbara Schaw in Stirline, Andrew Forsyth, lorimer there, James Robesoun, merchant there, and John Mayne in Sauchie, creditors of the supplicant, to compear and see a protection granted to him or show some reasonable cause for its refusal; and the pursuer compearing personally but none of the defenders, the Lords grant him their protection until 1st January next.

Fol. 86, b.

This day Mr. David Prymrois, advocate, compearing personally before the Lords as procurator for Sir Coline Campbell of Glenurquhie and John McEane Dowy of Ronaquhill, gave in a copy of letters raised against them by Alexander Fleeming of Mones, John Campbell of Murthlie, Alester McEane Voir in the Brae of Mones and John Corsane there, charging them to present John Dow Ylich McLauran as their man and tenant, and under prosecution by them for theft, and protested that as he was now here with the said John McEane Dowy ready to answer to these letters, and none of those who had raised the letters had appeared to prosecute, nothing further should be done in this matter against them until a new warrant was obtained and their expenses paid to them.

Petition by Sir Colin Campbell of Glenurquhie and John M'Eane Dowy of Ronaquhill for the postponement of their case, since their accusers have not appeared.

Complaint by John Clerk in Cars of New Abbey, as follows :—He was summoned to pass upon the assize of Robert Miller, younger in Lochefitt, in a stewart court of the Stewartry of Kirkcudbright held at

Complaint by John Clerk in Cars of New-abbey against the Steward

and stewards-depute of Kirkcudbright as persons improper to try the complainer for certain offences with which he is charged.

Carganlurg on 23rd April last, and having compeared, the Steward and his deputes urged him to find caution to appear before them on 7th May last and underlie the law for componing with John Mulligane, who had stolen some malt from the complainer, and some other things to be laid to his charge, and they intend to proceed against him most wrongfully; for this prosecution is maliciously intended to bring his good name and credit into disgrace by James Fergusoun, vassal and tenant to the Earl of Nithsdale, principal steward of the said stewartry, "and in respect of this contingencie and dependence quhilk he hes with the said stewart and with Johne Maxwell of the Threeve, his principall depute, who is oyes of kin with the said James, they ar verie suspect and cannot in law be judges to the compleaner in this mater." Further, as to John Broun in Brigend, another of the deputes, there is a deadly feud, still unreconciled, between him and the complainer's brother, Matthew Clerk, whom the said depute hurt, wounded and bruised about Michaelmas last. And they may very well be suspected from their form of procedure, as they have given him no summons, nor copy of indictment; and he knows of no accuser, but is informed that they are to proceed against him *per inquirendis* upon crimes alleged to have been committed by him a long time ago, of which he is most innocent, and that in the time of vacance when they have no power to sit without a dispensation, as they believe the complainer will not then have any remedy. To testify his readiness to obey the law he has instantly found caution in 300 merks to appear before the Justice and his deputes on a lawful citation, and so craves that the said steward and his deputes may be discharged from proceeding against him. Charge having been given to the said John Maxwell and John Broun, stewards depute, and Robert Shennan and Thomas Huttoun, their clerks, and to the said James Fergussoun, and the pursuer compearing personally, and the defenders by Mr. John Paip, younger, advocate, as their procurator, and having been heard, the Lords remit the trial of the complainer to his Majesty's Justice and his deputes and discharge the said steward and his deputes from proceeding against the pursuer and his cautioners in the cause libelled.

Decreta, November 1633-April 1635. Fol. 87, a.

Fol. 87, b.

Complaint by Gilbert Verte in Rigfoot, servitor and tenant to Archibald Douglas of Lumsden, against William Cockburn of that Ilk and his two sons for assault.

Complaint by Gilbert Verte in Rigfutt, servitor and tenant to Archibald Douglas of Lumsden, and the said Archibald for his interest, as follows:—On March last the said Gilbert was going peaceably at his plough when William Cockeburne of that Ilk and John and Alexander Cockebnrne, his sons, armed in warlike manner, came furiously to him and, "after threatning him with death and other injureis if he laboured that land," the said Alexander Cockeburne, with a great baton he had in his hand, gave him a number of cruel and deadly wounds upon the head to the great effusion of his blood and peril of his life. Further, on 6th May last, when the said Gilbert was leading out his muck upon a cart through the common highway to a piece of "beir land" possessed by him as tenant foresaid, these persons came in a great

Decreta, November 1633-April 1635. Fol. 88, a.

rage and fury upon him, stopped and debarred him from going any farther, "loused his cart, threatned to take his lyfe, for the saifetie quhairof he wes constrained to flee, leaving the cairt standing, as it is yitt, upon the hieway." By this means, as there is no other way for him to lead his muck, he has lost the occasion and season of sowing of his beir seid, which will thus make this land unprofitable to him and his master. Again, when the said Gilbert had tilled another piece of land and sown it with beir, these persons came on 26th May to it and sowed and harrowed it over again, whereby they intend in this illegal way to dispossess the complainers of the said land and appropriate it to themselves. Charge having been given to the persons complained upon, and pursuers and defenders personally compearing and having been heard, the Lords find that the said Alexander Cockeburne assaulted the said Gilbert Verte with a rod to the effusion of his blood, and ordain him to pay £40 to the said Gilbert as a fine for the said insolence, and not to depart from Edinburgh until he pay this sum; but they assoilzie the said William and John Cockburn, because probation being referred by the pursuers to their oaths, the defenders denied the charges laid against them, except in the case of the said Alexander, who confessed the

Fol. 88, b.

foresaid assault. And the Lords ordain the said Laird of Cockburne, for himself and his two sons, on the one part, and the said Laird of Lumsden, on the other part, to find law-surety in the books of Privy Council in 1000 merks for the indemnity of each other.

Complaint by the Moderator and brethren of the Presbytery of Dumfries against Robert Rig, wright in Dumfries, whom they accuse of secretly marrying a Papist after the Papist rite.—The Council's sentence on the said Robert.

Complaint by the moderator and brethren of the presbytery of Dumfries, as follows:—They cited before them on 31st December and 14th January last Robert Rig, wright at the Brigend of Dumfries, for marrying Elspet Maxwell, an excommunicated Papist, who confessed that he was married "be a popish preist upon the xvij of November last, being Sonday at night, with candle light, abone the bridge of Cluden in the feilds, and that foure wer present at the mariage beside the preist whairof some wer men and some wer weomen whome he knew not, becaus they had thair faces covered." Charge having been given to the said Robert Rig, and he compearing this day before the Council, and the pursuers compearing by Mr. Thomas Ramsay, minister at Dumfries, the said Robert Rig confessed the truth of the above libel and humbly craved their Lordships' pardon for the same. The Lords find that the said Robert Rig "hes violat and contraveened the lawes of this kingdome in marying an excommunicat woman by a preist who hes no power to

Fol. 89, a.

exerce anie function within this kingdome," and ordain him to be warded in the tolbooth of Edinburgh upon his own expenses till they release him, permitting no person from the said Elspet Maxwell, his wife, to have access to him by word or writ."

Complaint by Charles Murray, son to Sir David Murray of

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Charles Murrey, son to Sir David Murrey of Cloyneyaird, Charles Murrey, his son, Charles Maxwell, his sister's son, John Murrey in Barnbarrow,

Clonyard, and others of his kin, against Paul Redick of Barnschein and others for assault and injury done to the goods of the tenants of the said Charles.

Charles Cairnem, Peter Mulligen, Hew Lanrick, Thomas Broun, Robert Rannell and Simon Elliot, all in Barnbarrow, tenants to the said Charles Murrey, elder, parties grieved, as follows:—In violation of the laws prohibiting the wearing of hagbuts and pistols, on February last, Paul Redick of Barnschein, Roger Lindsey of Maynes, and Robert Redick, his servant, with others of the lieges, armed with swords, staves and other invasive weapons and the prohibited hagbuts and pistols, came to the said Charles Murrey's lands of Barnhowrie, broke up the doors of the tenants' houses, thrust them violently out of them, hurt and wounded them with their said weapons, drew one of the tenant's horses over his wife's belly, pulled down the byres of the said lands, put forth the goods from the same, possessed themselves of the said houses, stopped the tenants ploughs, and threatened them with death if they laboured the same, tilled and sowed the said lands, and by way of bangsterie and oppression keep possession thereof as yet. Charge having been given to the said Paul and Robert Redick and Roger Lindsay, and Paul Redick and Roger Lindsay compearing as defenders, and the said Charles Murrey compearing for himself and the rest of the pursuers, who for probation referred to the oath of verity of the defenders, and they denying the charge upon oath, the Lords assoilzie the two defenders present. And the said Paul Redick bound himself by act in their Lordships' books in 300 merks to exhibit the said Robert Redick before the Lords on the first Council day of July. Decreta, November 1633-April 1635. Fol. 89, a. Fol. 89, b.

Day fixed for William Cunningham, burgess of Kinghorn, and John and James Brown there, to prove their complaint against Patrick Ramsay in Wester Wemyss.

The Lords assign the 10th June instant to Williame Cuninghame, burgess of Kingorne, and John and James Broun there for proving a complaint by them against Patrick Ramsay in Wester Wemes of assaulting them by gripping them by the arms and holding them until with great rungs he and his accomplices gave them "manie bauche, blae and bloody straikes in diverse parts of their bodeis whairwith they dang out twa of the said James Broun his fore teeth, [and] brake the said William Cuninghams head to the effusioun of his blood." The complainers are warned *apud acta*, and letters are ordered to be issued for the citation of such witnesses as they may name. Fol. 90, a.

Supplication by George Lauder of Bass and Isobel Hepburn, his mother, for continuance of their protection.

Supplication by George Lawder of Bas and Isobel Hepburn, his mother, as follows:—In the winter season their Lordships granted them a warrant to come in and deal with James Livingstoun, one of his Majesty's Bedchamber, about the differences between them, but the season was so rough and stormy that they could not well take advantage of that protection; but they are now content to conclude this matter, if their Lordships will renew their protection; and they crave accordingly. The Lords grant them a protection until 1st November next, providing that before 1st August they deliver to the said James Livingstoun the whole writs of the barony of Beill in terms of their contract with him, otherwise this protection shall then expire.

Edinburgh, 3rd June 1634.

"The quhilk day the Lord Torphichin tooke the twelffe of this instant

Sederunt November 1634-January 1635. Fol. 120, a.

for producing of suche others writts and probatioun as he would use for cleering the erectioun of the lordship of Torphichin to be different frome others erections, and that thairfoir the same aucht not to be comprehendit within the act of annexatioun of superioriteis to the Crowne."

Anent the erection of the lordship of Torphichen. See *ante*, p. 241.

Acta June 1632-June 1634. Fol. 274, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Kingorne; Galloway; Annerdaill; Tracquair; Bishop of Dumblane; Lord Lorne; Lord Bining; Clerk Register; Advocate.

Edinburgh, 12th June 1634.

"The whilk day Johne, Lord Torphichin, compeirand personallie before the Lords of Privie Counsell, declared that he had no forder to say nor what he hes alreadie alledgit for cleering the erection of the lordship of Torphichin to be of a different nature frome others erections except that his Majesteis Advocats answers furnishe him a new ground; whereupon his Majesteis said Advocat tooke this day aucht dayes to give in his answers to the reasons adduced be the said Lord Torphichin."

Anent the erection of the lordship of Torphichen. See *ante*, p. 241.

The whilk day in presence of the Lords of Secreit Counsell compeired personallie Thomas Broun of Glen, and entered and exhibite before the saids Lords Johne Broun of Lochhill, ane excommunicat Papist and rebell, for not conformitie to the religioun presentlie profest within this kingdome, and that for obedience and satisfactioun of the band made and givin be the said Thomas Broun as cautioner for the said Johne Broun to the moderator and brethrein of the presbyterie of Dumfreis; in respect of whilk exhibitioun the saids [Lords] exoners and releeves the said Thomas Broun of his band and obligement foresaid and of the pane conteanit therein, and ordains the said Johne Broun of Lochhill to be committed to waird within the tolbuith of Edinburgh therein to remaine upon his awne expenses ay and whill he be fred and releeved be the saids Lords."

John Brown, an excommunicated Papist and rebel, exhibited before the Council by Thomas Brown of Glen.

Decreta, November 1633-April 1635. Fol. 90, b.

[Sederunt as recorded above.]

Edinburgh, 12th June 1634.

Supplication by Andrew Wardlaw of Torrie, as follows:—Out of a "vehement and earnest desire" to satisfy his creditors and clear himself of debt he is resolved to dispose of his whole estate, both lands and coal, and content himself with what may remain. But he cannot do so without the advice of lawyers, and dare not come to Edinburgh for this without their Lordships' protection, which he accordingly craves. The Lords grant him this until 1st July next.

Supplication by Andrew Wardlaw of Torrie for protection that he may satisfy his creditors.

"The like protectioun grantit to Mr Johne Hamiltoun, minister at Cragie, untill the first of August nixtocome."

The like protection granted to Mr. John Hamilton.

Supplication by Patrick Fleeming of Carbraine, as follows:—He is engaged as cautioner for the deceased Thomas Fleeming of Langhirdmiston, his brother, in great sums of money, and is now heavily distressed for the same owing to his recent death, and also for debts due by John

Supplication for protection by Patrick Fleming of Carbrain.

Fleeming of Carwod. He is resolved to disburden himself by selling his estate if their Lordships will grant their protection to him for this purpose. The Lords grant him their protection until 1st November next. Decreta, November 1633-April 1635. Fol. 91, a.

Supplication by Sir John Campbell of Calder, knight, for protection against his son, who has raised lawburrows against the supplicant.

Supplication by Sir John Campbell of Calder, knight, as follows:—Being indebted to several creditors, he caused Stevin Boyd, merchant burgess of Edinburgh, grant bond for their payment at Martinmas next, and for Boyd's relief he assigned to him 1700 merks and twelve chalders of victual disponed to him yearly during his lifetime by John Campbell, his eldest lawful son, in satisfaction of his whole estate, which in his simplicity and fatherly love he had disponed to his said son. Steven Boyd has caused charge the supplicant's said son to fulfil this agreement to him, but the said John, knowing that the supplicant is not yet relaxed from the horn, intends to make him unable to live or to relieve the said Steven Boyd. Out of his love to his said son he convened certain of his best friends at Innerara for settling all questions between them, and the supplicant referred himself to their determination; but his said son refused to do this, and has raised letters of suspension against the said Steven Boyd, and lawburrows against him, "his naturall father," and by hornings intends to debar him from appearing before the Lords of Session to concur with Boyd in his action against the said John. The supplicant is willing to submit all differences to their friends, of whom many are now in Edinburgh, or to any other neutral men, but his son utterly refuses. He therefore craves a protection, which the Lords grant until 1st August next. Fol. 91, b.

Supplication by Sir John Scot of Newburgh for protection that he may satisfy his creditors.

Supplication by Sir John Scot of Newburgh, knight, as follows:—Their Lordships know that he has been long debarred from the lands of Newburgh upon a statement made to his Majesty that he had been evicted therefrom. He had complained of this to the King, who had accordingly given order for reducing the title granted by the Lords of Exchequer and for granting him a protection for three years to prosecute the business. He had prepared himself to do so, but meanwhile his friend who acquired the foresaid title has agreed to content himself with the rents of part of the lands until he is paid, and the supplicant is now desirous of satisfying all his creditors, but cannot appear to prosecute his affairs before the Lords of Session, and his "good intentioun to doe a dewtie to all men," without their Lordships' protection, which he therefore craves. The Lords grant him this till 1st November next. Fol. 92, a.

Protection to Mr. John Oliphant, advocat.

"The like protectioun grantit to M[r] Johne Oliphant, advocat, aganis all hornings or other execution used aganis him for anie of his brothers debts till the last of December nixtocome."

Complaint by Robert Dick and Patrick Ramsay against William Cunningham in Kinghorn

Complaint by Robert Dick and Patrick Ramsay in Wester Wemes, as follows:—They are informed that William Cunninghame, mariner in Kingorne, and John and James Broun there, have obtained decree from their Lordships ordaining them to be put to the horn for not compearing to answer their complaint against them, whereas they were never law-

Decrets, November 1633-April 1635. Fo. 92, b.

fully charged or they would have obeyed, and as they have each found caution in 200 merks to compear they crave their horning may be suspended. Charge having be given to the said William Cunninghame and John and James Broun, who all appeared along with the said Patrick Ramsay, and having been heard with their witnesses upon the complaint (*ante* p. 264), the Lords assoilzie the said Patrick Ramsay from the same because the witnesses proved nothing against him, and suspend the horning in his case, but they continue the case as against Robert Dick until 15th July; and ordain 20s. to be paid to each of the witnesses by the producer.

and others, who have illegally sought to put the complainers to the horn.

Fo. 93, a.

Complaint by Alexander, Earl of Galloway, against John M'Culloch of Ardwell and Alexander M'Culloch, his son, whom he charges with forging a suspension of horning which the complainer had raised against the said John.

Complaint by Alexander, Earl of Galloway, and Sir Thomas Hope of Craighall, knight baronet, and King's Advocate, as follows:—After lengthened legal proceedings the said Earl obtained decree from the Lords of Council and Session against John McCulloch of Ardwell for violent spoliation of the Earl's teind sheaves of the lands and parish of Mertoun, dated 21st December last, and thereupon he raised letters of horning and entrusted the execution thereof to Thomas Stewart, messenger, for poinding of the said John McCulloch's goods upon the lands of Mertoun. Accordingly the messenger and a number of witnesses went on 13th January last to the barnyard of Mertoun to poind the corn there, when Alexander McCulloch, son and apparent heir of the said John, and at the command of his said father, produced to the messenger the copy of a suspension alleged to have been purchased by his said father of the said horning, and gave this copy to James Lathreis, servitor to the said Earl, declaring further that he had sent a boy named John McCulloch with another copy to the Earl's house of Glassertoun; and further, in presence of the messenger and witnesses, the said Alexander wrote out a third copy which he gave to Ninian Garrow, one of the said Earl's servants. All three copies were written by the said Alexander. The messenger, believing the suspension to be genuine, desisted from the poinding; and when the said James Lathreis demanded the production of the original suspension, the said Alexander declared that his father had taken it to Edinburgh, but affirmed that these three copies were true and lawful copies, and that he would stand to their truth at his peril. Now the said Earl has found from the Clerk of the Bills before the Lords of Session and Keepers of the Signet, that no such suspension has been passed by the said Lords nor presented to the Signet, whereby it is evident that John McCulloch and his son have fraudulently drawn up and used the same to frustrate the said Earl in obtaining the benefit of the laws, and so they ought to be exemplarily punished. Charge having been given to the said John and Alexander McCulloch, and pursuers and defenders compearing, and they and witnesses having been heard, the Lords find that the said Alexander McCulloch wrote and delivered two copies of the aforesaid suspension without any lawful warrant, thereby committing a very great offence, for which they ordain him to

Fo. 93, b.

Fol. 94, a.

be warded in the tolbooth of Edinburgh upon his own expenses until they release him; he having confessed that for the safety of his father's corns he did so. But the Lords assoilzie the said John McCulloch, against whom the pursuers and their witnesses proved nothing. Further, the Lords ordain the Earl of Galloway to pay the witnesses in the case, giving 10s. daily to each footman and 20s. daily to each horseman. Decreta, November 1633-April 1635. Fol. 94, a.

Complaint by Patrick Alexander, son of John Alexander in Boghead, and others against Adam Abercromby in Auldrayne and others, whom they accuse of illegally putting them to the horn.

Complaint by Patrick Alexander, son of John Alexander in Bogheid, Patrick Mowat in Torreis of Harthill, John Gray, son of Alexander Gray in Nether Carden, John Scot in Aldharthill, Johne Littlejohne at the Mill of Carden, Alexander Elmslie in Aldharthill, William Chalmer in Kirktoun of Oyne, John Alexander there, and John Alexander in Boigheid, as follows:—They are informed that they have been put to the horn doubly at the instance of Adam Abircrombie of Aldrayne, James Abircrombie, his cousin, Patrick, George and William Leith, sons of the deceased John Leith of Harthill, (1) for not finding caution in their Lordships' books each in 400 merks for their indemnity, and (2) for failing to appear before their Lordships and answer for their resetting of John Leith of Harthill. Now they were never lawfully charged so to do, or they would have obeyed, and have suspended the charge of lawburrows for its exhorbitance, they being but poor tenants who by the law are limited to law-surety of £40, and they would have cleared themselves of the other charge. They have found caution for obedience each in £100 and also for payment of their escheats of £20 to the Treasurer, Depute Treasurer, and Receivers of his Majesty's Rents, if found liable therein, and so crave suspension of the hornings. Charge having been given to the persons named, and John Alexander in Kirktoun of Oyne compearing personally, but none of the defenders, the Lords suspend the horning in the case of the said John Alexander. Fol. 94, b. Fol. 95, a.

Complaint by James Mitchelhill, merchant-burgess of Selkirk, in which he craves continuance of his protection.

Complaint by James Mitchelhill, merchant burgess of Selkirk, as follows:—In the recent action before their Lordships against his brother, William Mitchelhill, which was submitted to some neighbours of the town, their Lordships granted to the complainer their protection for one month that he might sell his lands and pay his creditors. He has not been able to find a buyer, and the matter would require a longer time. Charge having been given to the said William Mitchelhill, Agnes Lawsoun, widow of Mr. John Ker and Gawin Lindsey, the complainer's creditors, and the complainer compearing by Elizabeth Ormistoun, his wife, and the said Agnes Lawsoun and Gawin Lyndsey also being present, and Agnes Lawsoun consenting on the understanding that she shall not be removed in the meantime out of the house whereof she is in possession in security of her debt, the Lords grant to the complainer their protection until Martinmas next. Fol. 95, b.

Protection to Alexander Bothwell of Newholme.

"The like protection grantit to Alexander Bothwell of Newholme till the first of August next."

Acreta, November 1632-April 1635.

Fol. 95, b.

Fol. 96, a.

Complaint by Alexander Peebles of Chappelhill, Katharine Peebles, his daughter, Elspet Gall, his spouse, Isobel Gall, her sister, and Patrick Anderson of Tillilum, as follows:—They are informed that they have been put to the horn at the instance of George Fleeming, deacon of the Hammermen in Perth, for not finding caution for his indemnity in their Lordships' books—Alexander Peebles and Patrick Andersone, each in £1000, and each of the others in £500. They have been wrongfully denounced, for whenever they received the charge they sent a bond of cautionry to their agent in Edinburgh, who mistaking the warrant, and supposing it to have proceeded from the Lords of Council and Session, found the caution in their books and obtained suspension long before the expiry of the time. When the error was discovered, they sent in haste to suspend the charge, but the said George Fleeming, "taking advantage of the sleuth and negligence of the compleaners agent did quyetlie steale thame to the horne upon verie malice," as the caution they had found might have satified any fear of them he may have had. And as to this he never has given and never can give his oath that he dreads bodily harm from them, which must precede an act of lawburrows. Further, the amount of caution is very far in excess of what can legally be demanded from persons in their position, who are but burgesses and indwellers in Perth, and so not liable beyond 100 merks. However, they have found caution in their Lordships' books for obedience and also for payment of their escheats of £40 and £20 respectively if found liable therein, and therefore crave suspension of the horning. Charge having been given to the said George Fleeming, who compeared, and the said Alexander Peebles and Patrick Andersone appearing for themselves and the other pursuers, the Lords, after hearing parties, in respect of the suspension raised before the Lords of Session, suspend the letters of horning above complained of.

Complaint by Alexander Peebles of Chapelhill and others against George Fleeming, deacon of the Hammermen in Perth, for illegally obtaining letters of horning against them.

Fol. 96, b.

Complaint by Sir Patrick Agnew of Lochnaw, knight baronet, commissioner of the small barons and freeholders of the sheriffdom of Wigtoun, as follows:—Conform to the charge entrusted to him, he very diligently and carefully attended his duty all the time of the Parliament and his "outred and furnishing both with abuilyements fitting to the place quhairin he served and for his footemantell, besides the charges of his daylie interteanement, wes verie burdennable to him." Their Lordships modified 300 merks as the amount to be paid to each commissioner of the small barons, in addition to the price of the footmantle, by the barons and freeholders who sent him, and the complainer having charged his constituents to that effect, none of them convened, but they intend to leave the whole expense upon him. The complainer provided himself with a footmantle which cost 600 merks, and this, with the 300 merks above modified, amounts to 900 merks. There are 821½ merklands owned by the small barons and freeholders within the sheriffdom, and the whole amount being distributed among these makes 14s. 8d. payable by

Complaint by Sir Patrick Agnew of Lochnaw against the small barons and freeholders of the sheriffdom of Wigtown for refusing to pay his expenses as their commissioner in Parliament.

Fol. 97, a.

each merkland; but the said small barons and freeholders refuse to pay the same unless compelled thereto. Charge having been given to Sir John McDougall of Garthland, Florence McDougall, widow of Hugh Kennedie of Chappell, William Agnew of Croache, Thomas McKie of Drumbuy, William McKie of Myrtoun, William Gordoun of Craichlaw, Katharine Maxwell, Lady Monreith, Hew Gordoun of Grange, Alexander Gordoun of Auchlane, Alexander McKie of Barrawer, William Maxwell of Monreth, Harie Mure of Carnefeild, John McCrystene of Monkhill, John Ahanna of Sorbie, Alexander Stewart of Phizgill, Patrick McClellan of Glenturke, Patrick Vaus of Lybreck, John Murrey of Brouchtoun, Archibald Dumbar of Baldune, Alexander McKie, tutor of Kerequherne, John Gordoun of Barskeoche, Robert McCulloch of Drummorrell, John McCulloch of Ardwell, Patrick Vaus, appearand of Barnbarroch, and Sir John Vaus of Barnbarrach, small barons and freeholders of the said sheriffdom; and the pursuer compearing personally with the said John McCulloch of Ardwell, but no other of the defenders, the Lords ordain them to be charged to make payment to the pursuer of 14s. 8d. for each merkland possessed by them within ten days after being charged upon pain of horning. Decreta, November 1633-April 1635. Fol. 97, a. Fol. 97, b.

James Graham in Corrielaw to pay assythement to Janet Jardine for the slaughter of Alexander Fareis, husband of the said Janet.

In the action pursued before the Lords of Privy Council by Janet Jardane, widow, and the children, kin and friends of Alexander Fareis in Sibbelbieside, against James Grahame in Corrielaw, John Johnestoun, son of Robert Johnestoun, called of Kirkhill, and John Johnestoun, son of the deceased Hew Johnestoun in Howgill, for payment of £1000 as assithement for the slaughter of the said Alexander Fareis (See *ante* p. 226), which was on 6th March continued to 10th June and then to this day, Janet Jardane and the other pursuers compeared by Mr. William Maxwell, their procurator, and James Graham compeared personally; the Lords, after hearing parties, ordain the said James Grahame to pay the assithement formerly assigned to him of 500 merks, upon receipt of a sufficient discharge, and a sufficient assignation to himself by the donator of his escheat; and they ordain the like in the case of the two Johnestouns. If this be not done within a month, they are to lose the benefit of his Majesty's general pardon and stand the course of law. On consignation of the money a remission is to be exped to the said James Grahame. Fol. 98, a.

Complaint by William Grym in Dunlappie against Marjory Ferne, who refuses to accept assythement for the alleged slaughter of her husband, James Low, by the complainer.

Complaint by William Grym, braibner in Dunlappie, as follows:—On last a "suddane chaudmellie," arose between him and James Low in Dunlappie, in which both received some blows. Some weeks thereafter the said James died, not from any wounds received in the above encounter, but of an old disease under which he laboured. His widow and children, however, charge him with being the cause of his death, and to escape a criminal prosecution he betook himself to his Majesty's general pardon, and offered to make such assithement to the widow and children as indifferent friends should determine after con- Fol. 98, b.

Decreta, November 1633-April 1635. Fol. 98, b.

sideration of the facts of the case, the complainer always protesting that he was not the cause of James Low's death. They refused his offer, as an instrument taken thereupon shows, and they intend to debar the complainer from the benefit of the general pardon. Charge having been given to Marjory Ferne, relict, and James, George, Margaret, Magdalene and Katharine Low, children of the said deceased James Low, and the pursuer compearing but not the defenders, the Lords modify to the pursuer the sum of 300 merks to be paid by him to the defenders as assithement, who are thereupon to grant him a letter of slains so that he may procure his Majesty's remission.

Sederunts, November 1629-January 1635. Fol. 120, a.

"A letter from his Majesty that no protection be granted heerafter to anie person in prejudice of William Dick. The Lords ordains William Dick to be advertised be the clerk before anie protection be given out." Edinburgh, 12th June 1634. William Dick.

Acts, June 1632-June 1634. Fol. 274, b.

Sederunt—Chancellor; Treasurer; Wintoun; Southesk; Tracquair; Lorne; Clerk Register; Advocate. Edinburgh, 14th June 1634.

"Forsamekle as the Kings Majestie, considdering the great abuses and inconvenients heeretofore occasiouned in this kingdome through the ungoverned sale and immoderat use of tobacco, quhilk, being first brought in this kingdome in small quantitie and used onelie for physick, is now growin to that excesse, being generallie and promiscuouslie vented and sold in all places and be all persons at thair pleasure and takin so excessivelie, being manie tymes corrupt and rottin, that the health of diverse of his Majesteis subjects hes thereby beene endangered; for redresse of quhilks abuses and preventing thairof in tyme comming his Majestie, tending the good of his subjects, hes resolved to order the sale of that commoditie be suche a way that nane bot suche as upon examinatioun sall be found to be fitt sall be permitted to sell or utter the same by small or retaile and these to be licenced by auctoritie frome his Majestie, putting in at the receaving of the licence sufficient band als weill for selling of wholsome and uncorrupt tobacco as for keeping of good order and rules in thair severall houses and chops. And his Majestie forder considdering that the fittest way for effecting of this reformation will be to committ the prosecution and ordering thairof to some persons of trust and sufficiencie to be authorized be his Majestie for that purpose, and his Majestie reposing speciall trust and confidence in the fidelitie and abilitie of his trustie and weilbelovit servant, Sir James Leslie, knight, and Thomas Dalmahoy, servant to his Majesteis traist cousine and counseller, James, Marqueis of Hamilton, thairfoir his Majestie by his letters patent under the great seale of the dait at Whitehall, the 19 of Aprile, 1634, hes givin, grantit and committed to the saids Sir James Leslie and Thomas Dalmahoy, thair airis, executouris and assigneyes, his Majesteis full, free and absolute power and auctoritie during the space of seven yeeres nixt immediatlie fol-

Proclamation to be made that Sir James Leslie and Thomas Dalmahoy have been appointed commissioners to grant licences for the sale of tobacco, and that only persons who receive their licence shall be allowed to sell it.

lowing the dait of the said patent, for and in his Majesteis name to treate, article and transact with suche and so manie persons as they upon examination sall finde fitt to be licenced to sell or utter tobacco by small or retaile upon suche conditions and upon suche fyne and rent or soumes of money to be payed thairfoir to his Majesteis use as his Majesteis commissioners and the parteis receavers of the licences can agree upon; with power to the saids commissioners and thair foresaids to receave frome the hands of the saids persons the fynes and rent or soumes of money so to be agreed upon. And for the better preventing of suche abuses as hes beene heeretofore committed in the sale of that commoditie his Majesteis pleasure is that everie suche person or persons as sall be by the saids commissioners so licenced sall at the receaving of thair licences putt in sufficient suretie als weill for selling no tobacco bot suche as sall be wholesome and uncorrupt as for keeping of good order and rule in thair severall chops and housses; and for avoyding the counterfootting of the licences that the saids commissioners or thair foresaids have a stampe or seale to be affixed and sett to everie suche licence so to be grantit by thame. Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging officers of armes to pas and make publicatioun heirof be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull quherethrow nane pretend ignorance of the same; and to command and charge all his Majesteis officers and magistrats to burgh and land that they be ayding and assisting the saids commissioners and his [*sic*] foresaids in putting this his royall will and pleasure in executioun; and siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand after the fyftene day of September nixtocome to sell or utter tobacco in small or retaile within this kingdome bot suche and so manie as sall be licenced by the saids commissioners, under the pane of confiscation of the said tobacco, beside suche arbitrarie pane as his Majesteis Counsell sall appoint. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. —Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas for reformation and prevention of the abuses heeretofore occasiouned through the ungoverned sale and immoderat use of tobacco, we have resolved to order the sale of that commoditie throughout our dominions that none but suche as upon examination sall be found to be fitt may be permitted to sell or utter the same by small or retaile, and those to be licenced by authoritie frome us putting in at the receaving of the licence sufficient band als weill for selling of wholsome and uncorrupt tobacco as for keeping good order and rule in thair severall housses and chops; the prosecution and ordering of whiche service within that our kingdome we have beene pleased to committ (during the space of seven yeeres) to our

Acta, June 1632–June 1634. Fol. 274, b

Fol. 275, a.

Acts, June 1632-June 1634. Fol. 275, a. trustie and weilbelovit servant, Sir James Leslie, knight, and Thomas Dalmahoy, as by our gift dated at Whitehall, the 19 day of Aprile, 1634 yeeres, may appeare; our pleasure is that, according to this our royall intention, yow take order that after the xv day of September nixt Fol. 275, b. ensewing no person quhatsomever presoome to sell or utter tobacco in small or by retaile within that our kingdome bot suche or so manie as sall be thereunto licenced by our saids commissioners, under pane of our high displeasure and suche a penaltie as yow sall thinke fitt to impose on suche as sall happin to transgresse, the one halfe thairof to belong to the informer and the other halfe to the saids commissioners; and that yow make this our pleasure knowne to all our loving subjects by letters of publication thairof direct by yow in dew forme, for doing whairof, as also unto yow of our Exchecker for expeding the said graunt, these presents sall be a sufficient warrand. So we bid yow farewell. From our court at Greenewiche, the 29 of May."

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Wintoun; Perth; Kingorne; Wigtoun; Roxburgh; Galloway; Annerdaill; Lauderdaill; Southesk; Tracquair; Bishop of Dumblane; Lord Lorne; Bining; Clerk Register; Advocate; Sir James Baillie. **Edinburgh, 17th June 1634.**

Warrant to the Clerk Register anent the Register of Sasines, Reversions, etc.

"The whilk day Sir Johne Hay of Baro, knight, Clerk of our soverane lord's Registers and Rollis, produced and exhibite to the Lords of Privie Counsell the letter underwrittin signed be the Kings Majestie, and directed unto him under his Majesteis cashett, by the quhilk letter his Majestie, out of his gracious and tender respect to the weale of his subjects, recommendit to the said Sir Johne and therewithall commandit him to call before him the whole keepers of that Register whiche wes established be act of parliament haldin at Edinburgh in the moneth of Junij, 1617 yeeres, and whiche wes annexed and incorporat to and with the Clerk Register his office as a proper part and pendicle of the same, and in the quhilk Register all reversions,[1] seasings and others writts specified in the said act wer ordained to be registrat within threescore dayes after the dates of the same, and to take speciall notice of the clerkes and keepers of the said register thair dewteis in the discharge of thair office and if thair registers wer marked conforme to the said act of parliament; and where anie abuse or omission had beene by negligence of the keepers of the saids registers in not causing the same registers to be marked by the Clerk Register for the tyme, or his deputs, conforme to the said act of parliament, to rectifie the same; as in the letter foresaid directed be his sacred Majestie to the said Clerk Register for this effect at more lenth is conteanit. Quhilk letter being read, heard and considderit be the saids Lords, and they with all humble and dewtifull respect acknowledging his

[1] For previous legislation regarding *reversions* see Index to Acts of Parl. of Scot., *s.v. Reversions.*

Majesteis gracious and tender care for the ease and securitie of his subjects in this mater, they have ratified, allowed and approvin, and be the tennor of this present act ratifeis, allowes and approves the said letter and warrand foresaids directed be his Majestie to the said Clerk of Register in the haill points, clauses and articles thairof, and ordains the same to be insert and registrat in the bookes of Secreit Counsell and to have the force and effect of ane act of Counsell in tyme coming; of the quhilk letter and warrand the tennor followes:—CHARLES R.—Whereas, by ane act made in the 22 parliament of our late royall father, holdin in June 1617, a publict register is ordained wherein all reversions, seasings and others writts therein specified sould be registrat within threescore dayes after the date of those writts, under the restrictions mentiouned in the act, and that those registers sould belong to the Clerk of Register and his deputs for the tyme, to be annexed and incorporated to and with his office as a proper part and pendicle thairof, with power to appoint suche deputeis for their lyffes or otherwayes, as he sould thinke expedient, to be resident at the places and to the effect specifeit in the act, they being alwayes of good fame, literature and conversation, appointing those registers to be marked be him or his saids deputs with a note of the particular nomber of thair leafes, as in that act at more lenth is mentiouned. Bot we being informed that some of the keepers of these registers have by negligence or otherwayes omitted to caus the Clerk of Register for the tyme or his deputs marke these registers according to the said act, whereupon great prejudice may arise to our subjects, our pleasure is and we doe heirby will and command yow to call before yow the whole keepers of those registers and to take speciall notice of thair dewteis in discharge of thair saids offices and to see abuses therein rectified for the ease and securitie of our subjects, and if anie of thame have omitted to marke the saids registers whiche yow finde to be trewlie writtin and filled, knowing the keepers thairof to be reputed honest men, that yow marke or caus your deputeis appointed to that effect to marke thame, and thereafter we doe heirby ordaine the same to be als sufficient to all our subjects interested as if the same had beene marked before the writting and filling thairof, whereanent these sall be sufficient warrand. Givin at our mannour of Greenewich, 13th May, 1634. Followes the directioun of the warrand:—To our trusty and weilbelovit counseller, Sir Johne Hay of Barro, knight, our Clerk of Register. And forder, the saids Lords declares and ordains that the marking of all suche bookes and registers (as ar not or hes not beene marked in dew tyme) be the said Clerk Register and his deputs sall be als sufficient to all his Majesteis subjects interessed as if the same had beene marked before the filling and writting thairof. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, and right trusty and trusty and weilbelovit counsellers, we greit yow weill.

Acts, June 1632-June 1634. Fol. 276, a.

Warrant from his Majesty anent the Register of Sasines, Reversions, etc.

Warrant from his Majesty for the marking of Registers

Acts, June 1632-June 1634. Fol. 276, a. Whereas we have by our warrand required our Clerk of Register to call before him the whole keepers of these registers in whiche by act of Parliament of our late royall father all reversions, seasings and others mentiouned in that act ar appointed to be registered, and to take notice Fol. 276, b. of thair dewteis in discharge of thair saids offices and particularlie to marke suche of thair registers as have by thair neglect or ignorance beene omitted to be marked by the preceeding Clerkes of Register, whiche we ordaine to be als sufficient as if they had beene marked before the writting and filling thereof, to the intent our subjects interested may not suffer by the not putting of that act in dew and tymelie executioun, our pleasure is and we doe heirby require yow to ratifie and approve our said warrand by act of Counsell and to enact that the marking of the saids bookes (if anie be unmarked) be the said Clerk of Register present and his deputs sall be als sufficient to all our subjects interested as if the same had beene marked before the filling and writting thairof, for whiche these sall be unto yow sufficient warrand. We bid yow farewell. From our mannor of Greeñewiche, 13th May, 1634." of Sasines, Reversions, etc.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, anent the celebratioun of the communioun yeerelie in his Majesteis chappell of Halyrudhous upon the first Sondayes of the moneths of July and December, being presented to the saids Lords and read in thair audience, the saids Lords, in humble obedience of his Majesteis royall pleasure mentiouned in the said letter, ordains the same to be inacted and registrat in the bookes of Secreit Counsell to have the strenth of ane act of Counsell in all tyme coming, of the quhilk missive the tennor followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weill belovit counsellers, we greit yow weill. Whereas we wer pleased not long since that yow sould repaire to our chappell at Halyrudhous for receaving the holie communion there upon everie Sunday immediatlie ensewing the dounsitting of the Session in the winter and sommer seasons yeerelie, bot, having now upon some good considerations knowne to us resolved to alter the same, we are heirby pleased to declare that it is our speciall will and pleasure that yow receave the same yeerelie upon the first Sondayes of the Moneths of July and December, whiche we will have to be inviolablie keeped, and to that purpose that yow not onelie preceed to encourage all others by your good and heartie exemple, bot where occasion sall offer and in so far as yow can lawfullie and convenientlie doe, that yow proceed with auctoritie for seing this our royall and pious intentioun dewlie performed, whiche we will take as good and faithfull service done unto us. So willing yow that yow caus insert these our letters in your bookes of Counsell, we bid yow farewell. Frome our mannour of Greenwiche, 13 May, 1634." Letter from his Majesty requiring the Council to attend Communion on the first Sundays of July and December in the Chapel Royal of Holyrood.

Fol. 277, a. "The whilk day the missive letter underwritten, signed be the Kings Letter from his Majesty

requiring the Council to appoint some of its members to try such persons as are charged with having been accessory to the burning of Frendraught.

Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk the tennor followes:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, we greit yow weill. Whereas at diverse tymes we have beene pleased to recommend to yow the speedie tryell of the lamentable accident of the burning of the towre of Fendracht and that the same may be done without respect of persons, yitt complaint hath beene made unto us that suche ane exact tryell thairof as is requisite for cleering thairof hath not beene as yitt heard, our pleasure is that having selected some of your owne nomber for assisting the Justice generall or his deputs for the said tryell yow have a speciall care that with all possible diligence they proceed aganis all suche persons in a legall maner who by apparent presumptions hes beene anie wayes accessorie to the said haynous crime, leaving nothing undone whiche may contribute to the tymelie tryell thairof. Whiche recommending to youre care, we bid yow farewell. Givin at our court in Seaton, the 15 day of July, 1633. Quhilk missive being read and considderit be the saids Lords and they advised therewith, the saids Lords hes appointed and be the tennour heirof appoints a meeting of Counsell to be in the laich counselhous of Edinburgh upon Fryday nixt the twentie of this instant, quhilk is the criminall dyet appointed to Johne Toshe for his tryell anent his guiltines in burning the towre of Fendraucht, for assisting the Justice deputs and thair assessors in the resolutioun of suche doubts as sall occurre in the said tryell." Acta, June 1632–June 1634. Fol. 277, a.

Re-appointment of commissioners for the taxation.

"The Lords of Secreit Counsell continewes the nomber of the commissioners formerlie chosin for hearing the compts of the taxations, and the saids Lords nominats the Erles of Lauderdaill and Southesk and the Clerk of Register for hearing the Thesaurars compts."

[Here ends this volume of the *Acta*, with this docquet:—This booke begins upon the 28 day of July, 1630, and ends upon the sevintene day of Junij, 1634.

(Signed) J. Prymrois.

Edinburgh, 17th June 1634.

[Sederunt as recorded above.]

Decreta, November 1633–April 1635. Fol. 99, a.

Complaint by Mr. Jaines Raith of Edmistoun against Patrick Edmonston of Wolmet for violently preventing the complainer and his tenants from going to the kirk by two ways, which the com-

Complaint by Mr. James Raith of Edmistoun, as follows:—He has frequently complained to their Lordships of the many insolencies committed upon his tenants and servants by Patrick Edmistoun of Wolmet, who has renewed the same, and takes advantage of those who bear with him and refuse to enter into contestation save in an orderly and legal way. There was a common highway for men and horses "and for all cadgers and others carying coales and ale frome Natoun and other little touns there about leading directlie to and fra the compleaners hous and the kirk," which the complainer and his tenants has used without inter-

Decreta, November 1633-April 1635. Fol. 99, b.

ruption for many years with his predecessors before him; until upon Saturday, 24th May last, the said Patrick "gave out a nomber of threatning and minassing speeches aganis the compleaner in his awne hous, avowing with manie fearfull oathes that if the compleaner came to the kirk the morne thereafter that he would stay and interrupt him." Accordingly he directed Robert Dicksone, his servant, James Elphinstoun in Malsfurde, Robert Crawfurd in Newtoun, sometime his servant, Patrick Kein in Wolmet, and William Caldwell, tenant of the said Patrick Edmonstoun, to await upon the complainer and his tenants and servants and interrupt and hinder them in going to the kirk. Accordingly, these persons, armed with swords, long staves and other weapons lay in wait, "kuist ane sewche and bigged up ane dyke of stones to stoppe the passage;" and when the complainer's tenants and servants came forward on their way to the kirk, they stopped them, telling them that they had warrant from their master, Wolmet, so to do, and threatened them if they persisted. The complainer himself, coming on horseback with his son, when he saw the opposition, and fearing worse, directed his servants to forbear and take another way. And there being another road and passage which they were accustomed to use in going to the kirk, and which has been a highway for men and horses past all memory, the said Patrick "caused lykewayes big up that rod with great stones and kuist a slewche upon the same to stoppe and impede the passage." Further, Archibald Hill, his servant, who had waited at the end of the said road with a "long pycked forke" in his hand, avowed that if Thomas Mowat, the complainer's servant, had been there he would have stricken him through the body with his fork. Not content with all this, on the Monday after, the said Patrick came on horseback in a bragging and boasting manner to the complainer's meadow and hained grass and rode through the same, making great destruction and spoil, and thence rode directly to the complainer's gate, "and in mockage and derision callit for drinke, raid about his haill dykes, and in swaggering maner made provocatioun to the compleaner to come out." And again on 28th May the said Patrick, accompanied by the said James Elphinstoun and Robert Crawfurd, came to the complainer's meadow and rode through the same for the purpose apparently of making roads and passages there. He has suffered many other insolencies, and borne with them, but finding he can obtain no peace thereby he is obliged to have recourse to their Lordships. Charge having been given to the persons named and both pursuer and the defenders compearing, and having been heard, the Lords remit the "cognoscing of the wayes and passages foresaids" to the Lords of Session as judges competent, and meanwhile until their decision, they ordain that they be made passable to the pursuer and his tenants as they have been for the past two years, and to be used by the pursuer at his peril.

Complainer avers had been used by him for many years.

Fol. 100, a.

Fol. 100, b.

Counter complaint by Patrick Edmistoun of Wolmet and Bessie Fovens, his servant, as follows:—It is well known in the country how that the

Counter-complaint by Patrick

Edmonston of Wolmet against Mr. James Raith of Edmistoun for violent interference with himself and his tenants.

said Patrick and his predecessors have had great distresses and troubles about the coalheuch of Wolmet for many years past. It cost several of his predecessors their lives, and himself above 36,000 merks. Recently he agreed with the Laird of Nidrie, who pretended right to the said coal, "and being fullie possest therein "he" had verie good successe in the winning of his coale." But his neighbour, Mr. James Raith of Edmistoun, out of envy at seeing him thrive, has now begun to vex and trouble him and his tenants to draw them to endless lawsuits, and so wreck and undo him. For instance, in November last the said Mr. James directed Thomas Ewart, his servant, to a barn in Edmistoun where the said Bessie Fovens "wes caffing sax firlots of her awne beir," who put violent hands on the woman, thrust her from her beir, and took away the same, and further prosecuted the woman criminally before the Justice as a thief, though conscious of his own iniquity, he passed from the charge. But he did less against the woman than the complainer, her master, who was drawn to great expense in defending her. Again, "he hes caused Johne Hill of that Ilke, his vassall, to hoghe the stoupes of his coalheuche quhilk lyes ewest to the compleaners coale pot and thereby intends to fill and ditt his levell and so to destroy his coale." Further, on 22nd, 26th and 27th May last the said "Mr James Raith [sent] his bastard sonne [James] to the commoun hie way leading frome the toun of Edmistoun to the Cottrie, quhilk hes beene and is ane ordinarie and commoun hie way past memorie of man, and there the said James awaited upon the coale-cariers comming frome the compleaners coale pot in to Edinburgh and kuist the creeles aff the poore creatures backes and would not suffer thame to goe that way." Moreover, on 24th and 27th May last, he sent John Carfrae and Thomas Hewat, his servants, to the common way through the meadow of Edmistoun, which for over a hundred years has been an ordinary way for all his Majesty's lieges, and when the complainer's servants came and tried to pass they violently stopped them and forced them to return. Further, there being an ordinary coal way and kirk road between the Hyndslands and Coninghairheid, used by the said Mr. James himself and all the country people past memory of man, "the said Mr James in despite of the compleaner hes now caused make the said way arable ground, and hes resolved in place of this commoun way to make ane commoun kirkgait and coale gait to himselfe, his tennents and others throw the compleaners proper lands." Charge having been given to the said Mr. James Raith, and James Raith, his son, and pursuers and defenders both compearing, and having been heard, the Lords remit the question of the ways and passages to the Lords of Session, and meanwhile ordain the defenders to repone them as they were for the past two years, and suffer the pursuer to use them at his peril and hazard.

Decreta, November 1633-April 1635. Fol. 100, b

Fol. 101, a

Another complaint by Patrick

Another complaint by the same, as follows:—Upon a complaint against him by the said Mr. James Raith their Lordships, in June,

Fol. 101, b.

Decreta, November 1633-April 1635. Fo. 101, b.

1626, ordained them to find caution in 3000 merks for each other's indemnity. His cautioner was the now deceased Sir Robert Hepburn of Alderstoun, and the said Mr. James has charged him to find new caution under the pane of horning. He pleads that this is causelessly done, for although there were then jars between them these were all reconciled and removed, and the said Mr. James has not made and cannot make faith that he dreads harm or oppression at the hands of the complainer. Besides, the penalty is too high, such as is imposed in matters of riot and blood, and 500 merks is the legal penalty for persons of his quality. He has, however, found caution for obeying the charge, which he craves may be suspended. Both pursuer and defender being present, the latter declaring that though he had received no citation he was ready to answer the reasons of suspension; and parties having been heard, the Lords grant suspension in respect of the new caution found by the pursuer, but declare that the amount of caution shall remain at 3000 merks.

Edmonston of Wolmet against Mr. James Raith, whom he accuses of causelessly charging the complainer to find new caution under pain of horning.

Fol. 102, a.

Complaint by John Maxwell of Milnetoun, as follows:—In the month of April, 1612, he was the unhappy occasion of the death of John McNacht of Kilquhannitie, father of Roger McNacht, now of Kilquhannitie, and this slaughter has ever since been a most heavy grief and sorrow to him. He has done all in his power to give satisfaction for this, but nothing will content his party but the extreme rigour of the law. He is therefore obliged to betake himself to his Majesteis general pardon proclaimed upon his coronation. The time for this has almost expired, but the complainer, being all this time in Ireland, only heard of it lately. Charge having been given to the said Roger McNacht and to John McNacht, merchant burgess of Edinburgh, his tutor or curator, and they and the pursuer compearing personally, the pursuer gave in an offer of assithement under his hand, which he said was all he was well able to give. This offer the Lords gave to the defenders to advise with until the 19th instant, when they are to inform their Lordships concerning the pursuer's estate and conditions and also how the said slaughter fell out. And they declare that this delay shall not prejudice the pursuer in regard to the time for his pardon.

Complaint by John Maxwell of Milneton against the relatives of John M'Nacht of Kilquhannitie, slain by the complainer, who refuse to accept assythement.

Fo. 102, b.

Fol. 103, a.

Supplication by James Somervell of Playne, as follows:—He is selling his lands in order to satisfy his creditors, and has found a purchaser willing to end the bargain if he can obtain the consent of his creditors to the transaction. The supplicant could secure this if he had a protection, which he therefore craves. The Lords grant him until 1st November next.

Supplication by James Somerville of Playne for protection that he may satisfy his creditors.

"The lyke protection grantit to Johne Gordoun of Innermerkie for taking order with his cautionreis for the Lord Gordoun and the Laird of Dunkintie and the debts of umquhill William Gordoun of Rothemay, unto whois pupill the said Johne Gordoun is tutour, till the said first day of November nixt."

Protection to John Gordon of Innermerkie.

Complaint by George Wallace in Craigmill against Alexander Coutts at the Mill of Melgin and others for hamesucken.

Complaint by George Wallace in Claymill, as follows:—On 6th April last, "being Pasche Sunday and the Lords Sabboth," Alexander Couttis at the Mill of Melgin, John Donde there, John Couttis, servitor to Arthur Ball there, John Sowter, servitor to the said Alexander Cowtis, Patrick and John Cowtis, sons of Alexander Couttis in Daawche, James, William and John Glasse there, Alexander Fyffe at the Mill of Culshe, Thomas Couttis and Alexander Yuile at the Mill of Snabaff, Patrick Cowts at the Mill of Towy, and James Sowter, servitor to Alexander Reid at the Mill of Kildrynnie, with others, all armed, came under cloud and silence of night, by way of hamesucken, to the complainer's dwelling house in Claymill, and finding the doors closed, "they forciblie and violentlie brasched and dang up his doores and in a verie furious maner with drawin swords and durkes in thair hands they searched and sought his said hous throw all the parts thairof for Jonet Wallace, the compleaners daughter, whome they in thair beastlie humour thought to have forced and abused at thair pleasure; quhilk they had not failed to have done wer not she naiked in her sarke brake ane hole throw the upper part of the hous and with hazard of her life lap doun from thence and escaped." Having missed his daughter, they attacked himself barbarously and inhumanly, gave him a number of cruel and bloody wounds to the effusion of his blood, and left him in a manner as a dead man within his own house. Charge having been given to all the persons named, except Alexander Coutts at the Mill of Melgin, and the pursuer compearing personally, but none of the defenders, the Lords ordain them to be put to the horn and escheated. And the Lords modify £5 to be paid to each of the witnesses by the pursuer. Decreta, November 1633-April 1635. Fol. 103, b. Fol. 104, a

Edinburgh, 17th June 1634. The Commission for revision of the laws.

"A letter frome his Majestie for conveening of the commissioners appointed for surveying of the lawes, quhereanent ordains missives to be writtin to the commissioners to be heir the fyftene of July." Sederunts, November 1629-January 1635. Fol. 120, b.

Justices of the peace.

"A letter frome his Majestie for dispatching the commissions for the justices of peace for whiche purpose and for revising the rollis appoints Thursday nixt."

The Constable and the town of Edinburgh.

"A letter frome his Majestie tuicheing the differences betuix the Constable and toun of Edinburgh, quhereanent ordains both parteis to be warned." Fol. 121, a.

Lord Spynie.

"A letter frome his Majestie tuicheing the Lord Spynie his patent."

Edinburgh, 19th June 1634.

Sederunt—George, Earl of Kinnoull, Chancellor; William, Earl of Morton, Treasurer; Thomas, Earl of Hadinton, Privy Seal; James, Marquis of Hamilton; Patrick, Archbishop of Glasgow; William, Earl of Erroll; George, Earl of Winton; John, Earl of Perth; John, Earl of Wigton; John, Earl of Kingorne; Robert, Earl of Roxburgh; Alexander, Earl of Gallouay; John, Earl of Annerdaill; John, Earl of Lauderdaill; William, Earl of Dumfreis; David, Earl of Southesk; John, Earl of Tracquair; Adam, Acta, June 1634-April 1636. Fol. 1, a.

Acts, June 1634-April 1636. Fol. 1, a.

Bishop of Dumblane; Archibald, Lord Lorne; Thomas, Lord of Binning; Robert, Lord Melvill; Alexander, Master of Elphinston; Sir John Hay, Clerk of Register; Sir Thomas Hop, Advocate; Sir James Baillie of Lochend.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presentit unto thame, gives and grants thair warrand and licence to Alexander Blair to haunt, frequent and repaire in all parts of this kingdome at his pleasure for recovering by course of law of suche lands and goods as he doeth succeed unto by the death of his late brother, and that for the space of ane yeere after the dait heirof without pane or danger to be incurred be him therethrow in his person or goods, notwithstanding of anie act made aganis him for his abandoning this kingdome, whereanent the saids Lords dispenses be thir presents; provyding alwayes that he carie himselfe soberlie and modestlie without scandall, wherein if he failyie this licence to be voide, and he sall be subject to suche other punishement as he may incurre by law. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trusty and weilbelovit cousine and counseller, right trusty and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we ar informed that about the beginning of our raigne the petitioner, Alexander Blair, wes made by act of Counsell to abandoun that kingdome, whiche we ar confident yow caused doe upon verie good considerationns; bot being now humblie petitiouned by him that in regarde of the death of his brother, to whome he doeth succeid in his right to certane lands in that kingdome, he may repaire thither for recoverie
Fol. 1 b. thairof, our pleasure is that yow grant him suche a tyme for that purpose as yow sall think necessarie that he may seeke for his right according to justice and the lawes of that our kingdome. Not doubting of your conformitie to this our pleasure we bid yow heartilie farewell. From our mannour at Greenewiche, the 30 day of May, 1634."

Licence granted to Alexander Blair to travel through the country in order to recover by course of law such lands as he lawfully inherits.

Letter from his Majesty authorising the above licence.

"Forsamekle as in the Parliament haldin at Edinburgh upon the 28 day of Junij last bypast it wes statute and ordained be our soverane lord with advice of his estaits of Parliament that all and whatsomever persons of the Clangregour who sould happin to be within this kingdome upon the xv day of Marche last bypast sould give thair compeirance that day before the Lords of Privie Counsell, and failyeing thairof the nixt Counsell day thereafter following, to the intent that suche of thame as hes alreadie found caution and whois cautioners ar dead might find new caution for thair good behaviour in tyme comming and renunce thair names and that suche of thame as hes not found caution might find cautioun, with certificatioun to thame that compeired not that letters sould be direct to the Lords of his Majesteis Privie Counsell to denunce thame his Majesteis rebellis and putt thame to the horne, and that than it sould be lawfull

Proclamation anent the Clan Gregor.

to anie of his Majesteis good subjects to take and apprehend thame whereever they might be had and to present thame to the nixt judges and magistrats to burgh and land to the intent they might present thame before his Majesteis Counsell to be tane order with for thair rebellioun; as the said act of Parliament conteaning a dispensatioun with whatsomever slaughter, mutilatioun or hurting that sould fall out in the taking of the saids rebellis more fully proports. And, altho it wes expected that these of the Clangregour sould have embraced his Majesteis favour showin unto thame and sould have givin thair compeirance before his Majesteis Counsell to the the effect foresaid, yitt few or nane of thame hes compeired bot hes neglected thair dewtie and obedience in that point and so hes justlie and worthilie incurred the pane conteanit in the certification of the said act of Parliament aganis the said Clangregour. And the Lords of Secreit Counsell being loath to take that advantage of the said clan whilk thair contempt and dissobedience deserves, they have thairfoir thought meit to prorogat and be the tennor of this present act prorogats the terme foresaid appointed be the Parliament to the said Clangregour for thair compeirance before his Majesteis Counsell untill the twentie day of July nixtocome, with this special declaratioun that the said act of Parliament sall stand in full force according to the tennour thairof aganis all suche persons of the said clan as sall be deprehended in the act of anie lawlesse deid; thairfoir the saids Lords ordains letters to be direct charging officers of armes to pas and make publication heirof at the mercat croces of Edinburgh, Perth, Stirline, Dumbartane and others places neidfull, wherethrow nane pretend ignorance of the same, and to intimat and declare to all these of the said clan who sall neglect and contemne this favour offered unto thame and sall not give thair compeirance the said twentie day of July, that the rigour and extremitie of the said act of parliament sall be prosecute and followed out aganis thame." Acta, June 1634-April 1636. Fol. 1, b.

The Council thanks Bryce Semple of Cathcart for his diligence in arresting Thomas Drummond, a murderer.

"Forsamekle as one Thomas Drummond, having latelie cruellie and barbarouslie murdered and slaine ane poore honest man beside Dumfermline, his wife and barnes, with whome he lay that night, and immediatelie thereafter having fled to the west countrie to lurke there a while among his freinds till he sould have found opportunitie of passage to Ireland, and notice being givin hereof to the right reverend father in God, Patrik, Archbishop of Glasgow, he out of his respect to justice wrote to Bryce Sempill of Cathcart to doe his best diligence for apprehending of this murderer; who accordinglie out of the dewtie of ane loyall subject and worthie gentleman made searche for the said murderer and with no small hazard apprehended him and his brother, whereupon the said murderer wes presented to justice and suffered his condigne punishement. In regarde whairof and the said Bryce Sempill his worthie and generous cariage in this mater the Lords of Secreit Counsell hes allowed and approvin and be the tennour heirof allowes and approves Fol. 2, a.

...th June 1634-April 1635. Vol. 2, a.

of the said Bryce Sempill and his associats thair service foresaid and gives thame heartie thankes for the same, and declares that they will be myndefull of the said service whensoever the occasioun of anie of the said Bryce his effaires and bussinesses sall occurre before thame."

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, compeirand personallie before the Lords of Privie Counsell, gave in his answers to the reasons givin in be the Lord Torphichin for proving the erectioun of the lordship of Torphichin to be of a different nature frome others erections; whiche wer givin up to the said Lord Torphichin, who wes personallie present, to be advysed therewith to this day fyftene dayes." The erection of the lordship of Torphichen.

Decreta, November 1633-April 1635. Vol. 104, a.

[Sederunt as recorded above.]

Edinburgh, 19th June 1634.

Complaint by William Carment in Margfas and others to the effect that in the case of a charge on which they are to be tried, John Lord Herries, lord of the regality of Terregles, and his deputes are prejudiced judges.

Complaint by William Cairmunt in Margfas, Margaret Scot, widow of John Cairmunt there, and Janet Cairmunt, her daughter, as follows:— John, Lord Hereis, as lord of the regality of Terreglis, put them under caution to appear before him and his deputes on 31st May last for their alleged marking of a sheep and other matters, and intend to proceed against them for the same, but most wrongfully; because (1) They are suspect judges in this matter, seeing that on May last the said Lord sent William Ferguson, his officer, and others of his servants to the said William Cairmunt's dwelling house, where they put violent hands upon him, carried him as their prisoner to the place of Terregles and kept him there ten days "with heavie bolts of yrne upon his legges," though he was his Majesty's free liege, not taken with the fang, nor refusing to stand his lawfull trial. After they had kept him thus in prison in great misery the said Lord caused summon an inquest and brought the said William forth to his trial, but "finding that the assysours wer not weill laboured upon and that they would cleange the compleaner, slipped furth and said he would hold no court that day," and caused the said William and the rest of the complainers find caution as aforesaid. (2)

Fol. 104, b.

"Not onelie is John Charters in Barncleuche, bailie depute to the said lord, his man, vassal and servant, bot the haill assysours whome he is now to use, and his procurator fiscall, Hamiltoun, ar ather tennents of his lands or domesticks of his hous or persons within degrees desendent to the said lord in consanguinitie or affinitie," and the persons who have delated the complainers are tenants to Robert Maxwell of Orchardtoun, "who and the said Lord Hereis ar brether barnes, and they ar verie infamous persons, not worthie of his Majesteis unlaw, who, having beene convict for diverse crimes before the said Lord Hereis his late father, wer forced to compone with him for thair lyffes, and they have now nothing to live upon bot suche desperat and malicious challenges, whereby they intend to prey upon the compleaners and others his Majesteis good subjects by making thair escheits fall in the said Lord

Hereis his hands, who for thair service as they suppose will give thame a part thairof." (3) The complainers have never been lawfully cited nor received a copy of their indictment, which illegal procedure is especially dangerous in Lord Hereis towards them who by his conduct has made himself a party and cannot be their judge. Further, to testify their innocence they have found caution in the books of Adjournal to stand their trial for anything that can be laid to their charge before his Majesty's Justice and his deputes, and crave that their trial be remitted to them and the parties complained against discharged from further proceedings. Charge having been given to the said Lord Hereis and John Charters, and to Mr. Cuthbert Cuninghame, their clerk, and the said William Cairmunt appearing personally for himself and the other complainers, and Lord Hereis also appearing and producing the indictment against the pursuers, the Lords having heard parties, remit the trial of the pursuers to his Majesty's Justice and his deputes, without prejudice of the regality rights of the said Lord Hereis, who is given liberty to sit with the said Justice in this trial by himself or his bailies if he desires so to do, and discharge him and his deputes, procurator fiscal and clerk, of all further proceeding in this matter.

Decreta, November 1633-April 1635. Fol. 104, b.

Fol. 105, a.

Supplication by John, Bishop of Caithness, and George, Bishop of Orkney, that the Council would recommend to the charity of the lieges the inhabitants of the Orkneys and Caithness, who are in misery owing to bad weather and the lack of fish.

Supplication by John, Bishop of Caithness, and George, Bishop of Orkney, as follows:—"The pitifull and deplorable estait and conditioun of the people within the countreis of Caithnes and Orkney, of whome great multituds by famine have miserablie perished this yeere, hes moved the supplicants out of thair bound dewtie and Christiane commiseration of thair calamitie to represent to the said Lords the desolatioun quhilk in these bounds is like to fall out if some present course be not tane for preventing the same. For this last harvest, before the cornes wer fullie rypped and cutt doun, suche tempestuous and bitter weather blew frome the ocean upon these parts that the cornes wer so blasted as they never filled, and what seemed to be filled did na wayes answer the peoples expectatioun, the boll of aittis in manie parts not giving ane peck of meale, and where there appeared to be ane chalder of beir the same did not render the fourt part to be seed; quhereby the thrid rig lyeth unsowin and in manie parts the halfe is not sowin; quhilk hes caused so great dearth and famine in these parts that multituds dee in the opin feilds and there is none to burie thame, bot where the minister goeth furth with his man to burie thame where they ar found. The ground yeelds thame no cornes and the sea affoords no fishes unto thame as formerlie it wount to doe. The picture of death is seene in the faces of manie. Some devoure the sea ware; some eate dogges; some steale foules. Of nyne in a familie seven at once died, the husband and the wyfe expyring at one tyme. Manie ar redacted to that extremitie that they ar forced to steale and therafter ar execute; and some have desperatelie run in the sea and drownned thameselffes. So great is the famine there that the people of meane estait have nothing and these of

Fol. 105, b.

[illegible]ereta, [illegible]vember [illegible] April [illegible]. [illegible] 105, b.

greater ranke have nothing that they can spare." They crave that their Lordships would grant their letters of recommendation in favour of these poor people. This the Lords do, and recommend "the pitifull and deplorable estait of the poor people in the countrie of Orkney and Zetland to the charitable consideratioun of his Majesteis Privie Counsell," the Senators and members of the College of Justice, the provost, bailies, council and community of Edinburgh, and all other well-disposed Christians within the kingdom to burgh and land; also to the inhabitants of Caithness, and sheriffdom of Aberdeen and parts benorth the same, exhorting thame to extend their charity and benevolence to the relief of these poor people.

[illegible] 106, a.

Supplication by John Alie, burgess of Jedburgh, as follows:—William Alie, his brother, died lately under the burden of some debts, for payment of which he served himself as his heir, and was resolved with all possible diligence to dispose of certain of his lands for satisfying his creditors. But Ragwell Bennet of Chesters, father-in-law of his said deceased brother, intending to appropriate his whole means and estate to himself, has taken assignations to his whole debts, and designs to comprise the lands therefor, and trouble the complainer with captions and other legal diligence; for he will neither buy the lands himself nor give the supplicant time to dispose of them to others, and they are of three times the value of the debt upon them. He craves their Lordships' protection; and this they grant until 1st November next.

Supplication for protection by John Alie, burgess of Jedburgh, that he may pay his brother's debts.

"The like protection past and exped to James Home of the Abbey of St Bothans for attending the commissioners for the teinds till the first of August nixt."

Protection to James Home.

[illegible] 117, a.

Supplication by James Spence, merchant burgess of Edinburgh, as follows:—Most of his creditors have consented to supersede diligence against him for a certain time, and the only one who stands out is William Thomesone, merchant burgess of Edinburgh, who has obtained intromission with his whole estate, which is of the value of £10,000 more than he is justly due to him, and he intends to prejudge the rest of the supplicant's creditors of their satisfaction unless a remedy be provided. Charge having been given to the said William Thomesone, and he compearing and also the pursuer by Mr. Robert Trotter, his procurator, upon the said William Thomesone giving his consent the Lords grant their protection to the said James Spence till the 24th July next, so that he may clear his accounts with the defender, providing that the pursuer appear before their Lordships on the 24th instant and nominate auditors of his accounts and find caution for the indemnity of the defender, the which if he fail to do this protection shall be thenceforth void and null. And the Lords declare that the granting of this protection shall be no bar to any criminal pursuit which the defender may bring against the pursuer.

Edinburgh, 19th June 1634.

Supplication by James Spence, merchant-burgess of Edinburgh, for protection that he may satisfy his creditors.[1]

[1] This act omitted at its proper place in the Register.

Edinburgh, 19th June 1634. Francis Stewart and the Earl of Buccleuch.

"A letter concerning Francis Stewart and the Erle of Buccleuche tuicheing the particulars of his Majesteis decreit arbitrall and exposition thairof, quhairanent ordains the parteis advocats to be warned." Sederunts, November 1629-January 1635. Fol. 121, a.

Edinburgh, 21st June 1634.

Sederunt—Chancellor; St. Andrewes; Privy Seal; Glasgow; Annerdaill; Southesk; Lorne; Clerk of Register. Fol. 121, b.

Edinburgh, 24th June 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Kingorne; Annandaill; Dumfreis; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Lorne; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Sir James Baillie. Acta, June 1634-April 1636. Fol. 2, a.

Commission to Archibald, Lord of Lorn, and Neill, Bishop of the Isles, to inquire into the exactions levied by the landlords and heritors of the Isles from their tenants, and into the presence of foreign traders in the said Isles.

"Forsamekle as the Kings Majestie, being informed of the great exactions and dewteis raised be the heretours of the Yles upon his Majesteis subjects of the Associatioun for the Fishing within his Majesteis kingdomes and how that strangers ar brought in and thair vesselis loadned with fishes and others native commoditeis contrare to the lawes of this kingdome; his Majestie out of his royall and princelie regarde of the weale of his subjects and good of the Associatioun hes by his letter, writtin and directed to the Lords of his Privie Counsell, seriouslie and earnestlie recommendit unto thame the taking of ane particular accompt and tryell by whome and upon what ground or warrand these dewteis ar Fol. 2, b. uplifted and takin, and to discharge what sall not be found to be dew of that kynde, and to take order with strangers who resort and trade to the Yles contrare to the lawes and to the course intendit by the patent of associatioun, as his Majesteis said letter at lenth beiris. Quhilk being this day presented and read in Counsell, and the Lords having considderit the same and being weill advised therewith, the saids Lords, in humble and dewtifull obedience of his Majesteis directioun, being carefull to give his Majestie satisfaction therein, hes givin and grantit and be the tennor heirof gives and grants full power and commission, expresse bidding and charge to Archibald, Lord of Lorne, and Neill, Bishop of the Yles, conjunctlie and severallie, to repaire to the Yles with convenient diligence and to call the landslords and heretours of the Yles before [thame] and to examine thame and to take particular tryell beside what dewteis they exact of his Majesteis subjects of the Association resorting there, what is the ground leave of these exactions and by what warrand they doe the same; as alsua to take tryell and informe thameselffes how and by whome strangers ar brought in and thair vessellis loadned with fishe and others commoditeis; and to report thair diligence heerin in writt to the saids Lords upon the first Counsell day of November nixt to the intent suche forder course and order may be tane heerin as his Majestie by his letter hes directed. Followes his Majesteis missive for warrand of the act foresaid:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers,

Letter from his Majesty conveying the

Acts, June 1634-April 1636. Fol. 2, b.

right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas it is not unknowne unto yow with what care we have intended the good of the Associatioun of the Fishing within these our kingdoms for the use of our subjects and that we will be provident to protect thame frome the exactiouns of the heretours in the Yles who, as we ar informed, without warrand exacts sindrie dewteis of thame to thair great prejudice, bringing in strangers and loading thair vessellis with fishes and other native commoditeis contrare to our lawes; our pleasure is that yow call before yow the landslords of those Yles whare the fishings ar and take ane accompt of thame by knowing upon what warrand they take these dewteis; and that yow discharge what yow find not dew in that kynde upon verie good grounds, sending unto us a note of all that is exacted and of thair ground leave; and that yow tāke order with strangers who resort and trade there contrare to our lawes and the course intendit by the patent of associatioun. So expecting that no suche misdemeanor be committed in tyme comming, we bid yow farewell. Frome our mannour at Greenewiche, the 26 of May, 1634." warrant for the above commission.

Sederunta, November 1629-January 1635. Fol. 121, b.

"A letter from his Majestie for renewing the stent rollis of the burgh of Dundie in respect of the decay of trade in that toun, quheranent ordains the commissioners for the borrowis to be warnit to the first of July." Edinburgh, 24th June 1634. Dundee and its decay of trade in connection with its taxation.

"A letter for putting certane acts of parliament to execution for quyeting of the Hielands." The Highlands.

"Mr Wmkills his proces given up to the Advocat to be advysed thairwith till Thursday." Mr. Wmkill's case.

"Assignes Thursday nixt to Scottistarvet and Sir William Scot, tutors to the Erle of Bucleuche, and to Mr Robert Craig, advocat for Francis Stewart, who were personallie present, to answer to his Majesties letters direct concerning the decreit arbitrall given be his Majestie betuix thame." The Earl of Buccleuch and Francis Stewart.

"The quhilk day the Lords modifies the fyne of v^c merkes quherein Robert Dumbar of Moynes wes decerned to Archibald Torrie to iij^c merks and discharges the j^m merks quherin he wes fyned to the King, and ordains him to find caution for the indemnitie of the said Archibald and that he sall not ressett nor supplie Thomas Dumbar, under the paine of j^m li. In respect quherof the Lords suspends the saids three horneings, and the fyne being payed and caution fund in maner forsaid ordains the said Robert Dumbar to be relaxed fra the proces of the saids hornings." Case of Robert Dunbar of Moynes and Archibald Torrie.

Fol. 122, a.

Acts, June 1634-April 1636. Fol. 3, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Erroll; Winton; Kingorne; Annerdaill; Dumfreis; Tracquair; Bishop of Ros; Bishop of Dumblane; Lord Lorne; Lord Melvill; Lord Naper; Clerk Register; Advocate; Sir James Baillie. Edinburgh, 26th June 1634.

"The Lords of Secreit Counsell, according to ane warrand and directioun Protection to

Sir Hew Wallace of Craigie and his cautioners for a year.

in writt signed be the Kings Majestie and this day presented and read in thair audience, gives and grants thair warrand to Sir Hew Wallace of Cragie and to his cautioners to haunt, resort and repaire to and fra in all parts of the countrie for doing thair lawfull effaires at thair pleasure for the space of ane yeere nixt after the dait heirof, and during that space not to be takin, apprehendit, warded nor arreisted be vertew of anie letters of horning, captioun or others warrands past aganis thame for civill causes; discharging heirby all judges, officers and magistrats to burgh and land of all taking, warding or arreisting of the said Sir Hew or his cautioners be vertew of anie letters of horning, captioun or others warrands for civill causes, discharging thame thairof and of thair office in that part for the space of ane yeere after the dait heirof. Followes his Majesteis missive for warrand of the act abonewrittin :—CHARLES R. —Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas at the humble sute of our free burrowes we recommendit to yow that no protectioun be grantit without dew and just ground and consideration; but calling to mynde that Sir Hugh Wallace of Cragie hes beene a long suter to us to have payment of these moneyes condescended upon for reduceing to our crowne of his two ancient heretable offices, in regarde whairof and other good considerationns mentiouned in our former warrand tuicheing that purpose, our pleasure is that yow grant unto him and his cautioners a protection for one yeere, for which these sall be your warrand. We bid yow heartilie farewell. Frome our mannour at Greenewiche, the 28 of May, 1634." Acta, June 1634-April 1636. Fol. 3, a.

Edinburgh, 26th June 1634.

[Sederunt as recorded above.] Decreta, November 1633-December 1635. Fol. 106, b. Fol. 107, a.

John Maxwell of Milntoun ordered to pay an assythment of £1000 for the slaughter of John M'Nacht.

Complaint by John Maxwell of Milnetoun, as formerly narrated (*ante* p. 279). Parties again compearing and the offer made by the pursuer with answers thereto by the defenders, and the report of the pursuer's rental and estate, being produced and considered by them, the Lords modify the assithement to be paid by the pursuer at £1000, which, if the defenders refuse to receive, is to be consigned in the hands of the Clerk of Council before this day eight days, and to be given up by him to the party on their delivering a full discharge and letter of slains. After sentence was pronounced, "the said persewer, humbelie upon his knees exprest his unfained greefe and sorrow for the said slaughter and craved God and the partie pardon for the same. Lykeas the saids defenders, and Alexander Gordoun of Erlestoun, mother's brother to the said Rodger, who wes personallie present, in humble obedience of the saids Lords thair command and directioun, and for the peace and quyet of the countrie, chopped hands with the said persewer in tokin of reconciliatioun

Decreta, November 1623-April 1625. Fol. 107, a. Fol. 107, b.

and freindship," in respect whereof the Lords ordain a remission to be exped to the pursuer for the said slaughter in terms of his Majesty's pardon.

Complaint by Adam Abercromby of Auldrayne against John Leith of Harthill and others for carrying forbidden weapons and for various acts of violence against certain of the complainer's tenants.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Adam Abircrombie of Aldrayne, as follows:—In contravention of the laws forbidding the wearing of hagbuts and pistols, on March last John Leith of Harthill, with convocation of a great number of sorners and broken men, armed with bows, targes, hagbuts and pistols, came under cloud and silence of night, by way of hamesucken, to the dwelling house of Henrie Clerk, tenant to the complainer in Aldrayne, "brasht the doores thairof, tooke one of the said Adams men, callit Thomas Clerk, and band him hand and foote, held another of his servants, callit Johne Mitchell, till they searched the said Henrie his hous, resolving if they had gottin him to have slaine him, and missing him they tooke a broust of new beir, dranke out a part thairof and spilt the rest upon the floore, brake up his kists and beeff fatts, cutted his seckes with swords aud durkes, spulzied and away tooke his haill salt beiff, muttoun and other victuall being within the hous, with his bed cloathes and what ellis they could find in the hous. And thereafter the same night they came to the dwelling hous of George Mathesone, another of the compleaners servants, strake up his doores, searched the poore man throw the haill hous with candle light, and missing him they threatned to hold his wifes soles to the fire whill she sould tell both where her husband and his moneyes wer; and they took with thame suche small geir as they fand in the hous. And upon the 17 day of the said moneth of Marche they came of new to the said Henrie Clerks hous, patt violent hands on his person, tooke him captive, being his Majesteis free subject, band his hands and caried him as a prisouner with thame to the dwelling hous of Johne Alexander in the hill brae on the north side of Bannachie where he lay two nights in the yrnes, and caried him over the hill to the dwelling hous of Thomas Gordoun in the Glentoun upon the south side of the said hill, quhair they layed him three nights in the yrnes. And the said Johne gave command to his Hieland men to sticke the said Henrie how soone they perceaved anie man to come to releeve him; and before he lett the poore man goe he tooke him deepelie sworne that he sould never strike pleuche nor harrow in the lands of Aldrayne, and he forced the said Henrie to give him ane hundreth merkes. And when his poore wife had sauld her best plenishing to gett this hundreth merkes and she having offered the same to him for her husbands releefe, he refuised the same till Johne Leith of Newlands his wife became cautioner for the other doller. Lykeas the said Johne Leith of Harthill be himselfe and his commissioners threatned the whole tennents of Aldrayne nather to strike pleuche nor harrow upon the saids lands, otherwayes he vowed to God to hang thame everie man over thair awne balkes. Upon occasioun whereof the haill labourers and occupyers of the lands of Aldrayne left the ground, so as there wes not a reiking

Fol. 108, a.

hous within aucht plewes of the saids lands, aucht crofts and a myle of ground, except onelie Johne Ker, who maried one Leith to his wife. And the said Johne his freinds, as namelie, Mr Androw Logy, person of Rayne, George Gordoun of Newtoun, Normand Leslie of Tulloche, George Leith of Threefeild, John Leith of Newlands, and Alexander Leith, brother to the said John Leith of Harthill, knowing that thir particular points and oppressions abonewritten wer cleer and undenyable they resolved, so farre as in thame lay, to obscure the same and that no discoverie sould be had thairof; and for this effect they came to the Henrie Clerkes hous upon the day of , and not onelie there bot in all other parts where they rancountered him they threatned him to give unto thame ane discharge of the wrongs abonewrittin, protesting and avowing with manie fearefull oathes to opin him quicke if he gave not the said discharge, or if ever he revealed or compleaned upon the oppressions abonewrittin; lykeas the poore man for just feare of his life gave the said discharge. And how soone the compleaner gott knowledge of thir great insolenceis committed upon his poore man he demanded of him if he would compleane, who answered that he nather would nor durst compleane, and that it would cost him his life if it were knowne he had a purpose to compleane." Charge having been given to the said John Leith of Harthill, George Gordoun, Alexander and John Leith, Mr. Andrew Logie and Henry Clerk, the last named for concurring with the complainer in this business; and the pursuers compearing personally, also the said John Leith of Harthill, Henry Clerk, Mr. Andrew Logie, Normand Leslie and George Leith of Threefeild, and parties and their witnesses having been heard, the Lords find the complaint verified against the said John Leith of Harthill in the matter of Henry Clerk, in illegal convocation of the lieges, usurping authority and wearing firearms, and they ordain him to be carried back to the tolbooth and there remain until further order be taken with him. But the Lords assoilzie Normand Leslie, Mr. Andrew Logie and George Leith, the complaint against whom was referred for proof to their own oaths of verity, and which they thereupon denied. Further, the Lords modify to Alexander Leslie £10, and to William Leslie and Andrew Peirie, each £5, for their expenses as witnesses, to be paid by the pursuers.

Decreta, November 1633-April 1635. Fol. 108, a.

Fol. 108, b.

Fol. 109, a.

Edinburgh, 26th June 1634.

The case of Griffin Wmkells. See *ante*, p. 287.

"The quhilk day the Advocat reported that he had conferred the twa probations and tryell takin anent the goods stollin frome Griffon Wmkellis, and finds the tryell to agree, quhereupon the Lords ordains the parteis havers of the goods to be charged to compeir to heare and see thame decerned to delyver the goods to the said Griffon or the prices thairof."

Sederunts, November 1629-January 1635. Fol. 122, a.

The parson of Leith and the preceptory of St. Antony. See *ante*, p. 228.

"The quhilk day the parson of Leith, being assisted with Mr James Baird his advocat, declared that he wes content of his awne consent that the kirk and sessioun of Leith being secured in thair right be the advice of his Majesteis Advocat and of Mr Andro Aittoun and Mr Thomas

Sederunts, November 1633-January 1635. Fol. 122, a.

Nicolsone, the said parson his gift of the preceptorie of St Antons to be totallie suppressed."

"A letter frome his Majestie concerning the laird of Lundie, quhereanent ordains Sir James Lundie to be warned." The Laird o Lundie.

"The Lords continewes the mater anent Bugcleuche and Francis Stewart till Tuisday nixt." Francis Stewart and the Earl of Buccleuch.

Decreta, November 1633-April 1635. Fol. 109, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Wintoun; Perth; Kingorne; Wigtoun; Roxburgh; Galloway; Dumfreis; Stirline; Sowthesk; Traquaire; Lorne; Melvill; Naper; Bishop of Ros; Bishop of Dumblane; Secretary; Clerk Register; Advocate. Edinburgh, 1st July 1634.

Fol. 109, b.

Supplication by George, Marquis of Huntlie, as follows:—Upon Friday last, 20th June, John Toshoche was tried before his Majesty's Justice for the burning of the Tower of Fendraucht, and at the close, when the Justice and his assessors were going to retire to consider the case, "the said Johne, in presence of the Justice and assessours and some of the nobilitie who were present, publictlie affirmed by solemne oath upon his knees that he having sent one to the supplicant to shaw his innocencie that the supplicant returned him worde againe be James and David Abercrombie that he knew verie weele that he wes innocent of that cryme, bot that he knew him to be a knave, and that he rather parted Fendraucht then him, and that the supplicant offerit him be the saids personis that he would confesse the cryme and delate Fendraucht as guiltie thairof, and sua lay it upon him that the supplicant would purches to the said John his remission and give him ten thousand merks for his rewarde"; whereby the said John did all in his power to persuade the judges of his innocency and to impute to the supplicant the "most foule, filthie and detestable cryme of falset and subornation." When the said John was brought to his answer for this before their Lordships on 21st June last, he "most impudentlie and affrontedlie avowed and abode be the same," but their Lordships, after examining the said David and James Abercrombie, and other witnesses given up by the said John himself, found his statements to be most false and malicious. The supplicant therefore craves that the said John be publicly and most exemplarily punished, as otherwise it will leave an infamous blot upon him. The Lords, having heard this petition, and also of new examined the said John Toshoche upon the said speeches, who denied having uttered them, or having complained of or against the said Marquis, the Lords find it proven by the testimony of witnesses and otherwise that the said John Toshoche did utter the speeches libelled against the said Marquis and no others, and so deserves a more severe punishment than they will for certain reasons now inflict, but for vindication of the said Marquis they ordain the provost and bailies of Edinburgh to cause the said John be carried to the market cross of Edinburgh by their officers Supplication by George, Marquis of Huntly, that John Toshoche be punished for maliciously calumniating the supplicant.

Fol. 110, a.

and executioner on Monday, the 7th instant, "and there to be sett upon the most eminent part of the croce with ane paper on his head, and to stand frome ten of the clocke in the fornoone till twelffe of the clocke, and thairafter to be caried backe to his warde be the saids officers and executioner; and that there be written upon the paper in great letters— Decreta November 1633-April 1635. Fol. 110,

Heir stands John Toshe who is found and declared to have maliciouslie calumniat the Marques of Huntlie, and that thairfore he is heirby declared to be a notorious liar and a knave."

Supplication by Andrew Wardlaw of Torrie for protection that he may satisfy his creditors.

Supplication by Andrew Wardlaw of Torrie, as follows:—The protection granted to him by their Lordships has expired and he is still in treaty with several gentlemen for the sale of his lands to pay his creditors, but the business cannot well be perfected without a prolongation of his protection. This accordingly he craves; and the Lords grant him till 4th November next.

Similar supplication by John Dunbar of Moynes and Robert Dunbar, his son and heir.

Supplication by John Dumbar of Moynes and Robert Dumbar, apparent thereof, his son, as follows:—Their protection expires this day, and they have procured a purchaser for their lands, and securities are presently being drawn up. Further time is therefore required to complete the transaction, and this they crave. The Lords extend their protection to the 15th instant. Fol. 110 b.

Edinburgh, 1st July 1634. Protection for seven years to James Arnot.

"A letter frome his Majestie for ane protection under the great seale to James Arnot for seaven yeares and ane signature past thereupon accordinglie." Sederunts, November 1629-January 1635. Fol. 122, b.

Anent the manufacture of copper coin.

"The Lords ordains the Thesauraris principall and deputie to conveene the officiaris of his Majesteis cunyiehous before thame and to command thame in the Counsells name to suffer and permitt Mr Briot and his servants to worke the copper coyne in maner as the same wes formerlie wrought."

The Earl of Buccleuch and Francis Stewart.

"The Lords appoints Moonday in the forenoone to the tutors of the Erle of Bugcleuche and thair advocats and Francis Stewart his advocats to conveene and meit with his Majesteis Advocat anent his Majesteis directioun in the maters contraverted betuix the parteis."

Edinburgh, 3rd July 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Kingorne; Wigtoun; Roxburgh; Gallouay; Annerdaill; Lauderdaill; Southesk; Dumfreis; Tracquair; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Naper; Clerk Register; Advocate. Acta, June 1634-April 1636. Fol. 3, a.

Anent Papists in Dumfries.

"Anent our soverane lords letters direct makand mentioun, forsamekle as Elspitt Maxuell, callit of Conhaith, being lawfullie and orderlie excomunicat for poperie and having lyin under that censure this long tyme bygane, as she does yitt unrelaxt, in contempt of the law and to the scandall of the kirk, she hes sensyne to the forder comtempt and misre- Fol. 3, b

Acta, June 1634-April 1635. Fol. 3, b.

garde both of the Kirk and law made a pretendit mariage by a popish preist with Robert Rig at the Brigend of Dumfreis upon the feilds under silence of night with candle light,[1] for the quhilk she is now prisouner in the jayle of Dumfreis; lykeas Elspitt Maxuell, spous to Robert Redick, Agnes Maxuell, her sister, Barbara Maxuell, callit the pape, Jeane Beatie in Dumfreis, Jonnet M^c^Noucht, spouse to James Andersone, flesher, Johne Horstane, Agnes Jacksone, spous to Marke Broun, Margaret Maxuell, Barbara Logane, wedow, Charles Maxuell, Helene Dobie, Marion Redick, Johne Thomesone, Jeane Maxuell, spous to Johne Irwing, Jonnet Redick, spous to James Maxuell, messinger, Marion Geddes, spous to Adame Sturgeoun, younger, Jonnet Johnestoun, spouse to David Fraser, and Robert Moresone, and Johne Maxuell, callit Captans Jock, all indwellers in Dumfreis, ar or latelie wer prisouners in the said jayle for hearing of messe and being present thereat sindrie tymes within thir twelffe moneths bygane, as thair confessiouns beiris. And whereas thir persons hes verie farre offended God, contemned the law and scandalled the Kirk, and hes gevin evill exemple to others to doe the like, if connivence and oversight be givin to thame; and anent the charge givin to Johne Irwing, provest of Dumfreis, Thomas Maxwell and Johne Williamsone, bailleis of the said burgh, within whois jayle the persons foresaids remaines or latelie wer prisouners, to have brought or to have caused the persons foresaids be brought and saifelie and surelie convoyed to the burgh of Edinburgh and exhibite before the Lords of Privie Counsell this present day to the intent suche order might be tane with thame as might give terrour to others to committ the like, under the pane of rebellioun and putting of the saids provest and bailleis to the horne, with certificatioun to thame and they failyed letters sould be direct *simpliciter* to putt thame thereto, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsations thairof. Quhilks being callit and Mr Thomas Ramsay, minister at Dumfreis, togidder with Johne Williamsone, one of the bailleis of Dumfreis, compeirand personallie, who for obedience of the charge exhibite before the saids Lords the haill persons abonewrittin except the said Robert Moresone, who compeired be Harbert Moresone, his brother, and Charles Maxuell, who compeired be Williame Maxuell, his father, and Agnes Jacksone who, in regarde of her notour sickenesse, wes excused. Quhilks haill persons present being demanded be the saids Lords whether or not they would conforme to the religion presentlie profest within this kingdome and if they were sorie that they had transgressed the lawes of the countrie by thair hearing of messe, the saids Jonnet M^c^Nacht, Johne Horstone, Helene Dobie, Johne Thomesone, Jonnet Redick, Marion Geddes, Jonnet Johnestoun and Margaret Maxuell declared that they were heartilie sorrowfull for the scandall they had givin to the Kirk and violating of the lawes of the countrie by hearing of messe, and craved the Counsell pardon for the

Fo. 4, a.

[1] See *ante*, p. 263.

same, and gave thair faithfull promise in all tyme comming to obey the lawes and constitutions of the Kirk, and for that effect to resort to the kirk, heare preachings and to communicat, and that they sould not heare messe nor ressett jesuits. And the saids Elspitt, Barbara, Jeane and Agnes Maxuells, Jeane Beatie, Barbara Logane and Marion Redick refuised to conforme to the religioun presently profest within this kingdome, in respect whairof the saids Lords ordains thame to be committed to waird within the tolbuith of Edinburgh therein to remaine upon thair awne expenses till they be fred and releeved be the saids Lords. And the saids Lords ordains the others persons foresaids who promised conformitie to keepe waird within the burgh of Edinburgh and not to come furth of thair loodgings till they be releeved, for quhilk purpose the said Marion Geddes nominat the hous of Robert Young, stabler, to be her loodging hous, and the remanent persons nominat the hous of David Edgar, indweller in Edinburgh, to be thair loodging hous. Lykeas the said Harbert Moresone actit himselfe to exhibite his said brother Robert before the saids Lords upon Tuisday nixt, under the pane of v^{c} merkes. And in regarde the said Charles Maxwell has removed himselfe furth of this kingdome since the charge givin for his exhibitioun, the saids Lords ordains the said Williame Maxuell, his father, to exhibite him before the saids Lords if ever he returne within this kingdome, and the saids Lords finds and declares that the said Williame hes incurred the pane of three hundreth merkes conteanit in his band givin to the provest and bailleis of Dumfreis for entrie of his said sone whenever he sould be lawfullie charged and suspends the execution of the said band aganis him during his sonnes remaining furth of the countrie."

Acta, June 1634-April 1636. Fol. 4, a.

Edinburgh, 3rd July 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Perthe; Wintoun; Roxburgh; Galloway; Annerdaill; Stirline; Dumfreis; Sowthesk; Traquaire; Bishop of Ros; Bishop of Dumblane; Melvill; Naper; Clerk Register; Advocate.

Decreta, November 1633-April 1635. Fol. 110, b.

Complaint by Griffin Wmkills anent his stolen cattle. See *ante*, p. 290.

Complaint by Griffon Wmkills of Barnam in Northumberland, as follows:—He narrates the proceedings already taken in his matter (see pp. 256, 257 *ante*) and the commissions granted for taking evidence, whereby the following witnesses and evidence were adduced:—Andrew Melvill in Sconie deponed that he had two black oxen in his possession, "both of the heicht of twelff neives or thairby," which he bought from David Patersone in , of which one is marked on the outside of the nearest horn with the letters G and F graven with an iron, "having his farrest lugge first cutt over and then lotted doune a peece"; while the other ox had a mark with a burning iron like an O on the outside of the nearest horn, with both ears "cuttit right over and the narrest lug wes lotted under the cutt." James Lathresk in Balwhinerie declared that the ox which he bought at Fakland and which was in his possession was

Decreta, November 1633-April 1635. Fol. 111, a.

a black coloured ox, with the letters G and F on the outside of the nearest horn and "cutted right over the narrest lugge." James Sibbald in Bowslie declared that he bought two oxen at Fakland, one of which was dead, and the living one was marked on the ears with a "skellope yron." George and William Melvill in Donyface declared that the ox they are troubled for is dead, and they produced one of his horns having the letters G and F on the outside. And James Tenent declared that he bought two oxen from one John Tagarde, which he sold to Henry Grinlay in Hathornesyke, who still has them in his possession, and which being inspected by John Wmkills, son of the said Griffon, he affirmed that the black ox only belonged to him and his father, and that the other branded

Fol. 111, b.

ox belonged not to them As for the commission given by their Lordships to Sir John Fenwick and Sir John Dallaveill (*ante* p. 261), they accepted the same and reported what they found; and it has now been reported by those to whom their Lordships remitted the comparing of these probations that the two substantially agree, and therefore the persons who have his cattle ought to restore them to the complainer or pay their price, which they refuse to do unless compelled. Charge having been given to the said James Tenent, James Lathreish, James Sibbald, and George, William and Andrew Melvill, and they, with the exception of James Lathreish and Andrew Melvill, compearing along with the

Fol. 112, a.

pursuer, the Lords, after hearing parties, ordain Andrew Melvill, James Lathreish and James Sibbald to deliver to the pursuer his said oxen which are now alive and in their possession, or pay him £6 sterling for each of them. For obedience of which ordinance the said James Sibbald promised to bring his one ox, and the said George Melvill undertook for Andrew Melvill that he would bring his two oxen to Fakland on Tuesday next and have them in readiness at James Haitlie's house there for delivery to the pursuer; and John, Earl of Annandaill, promised on behalf of James Lathreish that he would likewise deliver the ox he had. Their Lordships, however, assoilzie James Tenent, because before the raising of this action he had sold the goods to Henry Grinlay in Hathornesyke, against whom the pursuer has competent action for repetition.

Supplication by George Ker, tailor and burgess in Edinburgh, anent his apprentice, James Ford, who is accused of taking part in a late tumult in Edinburgh.

Supplication by George Ker, tailor and burgess of Edinburgh, as follows:—"In the late seditions, muttonie and tumult quhilk fell out within the burgh be the procurment of some prentises and jorneymen," James Foorde, his apprentice, is given out as one of the chief, "and it is lyke eneugh that he hes beene to bussie thairin," for as soon as he heard that order was being taken therewith he fled. The provost and bailies have put it upon the supplicant, as his master, to exhibit the said James Foorde, but, being only a private man, he cannot do so without the concurrence of the magistrates of the place where he now resides. He therefore craves their Lordships' warrant. The Lords grant hereby warrant and commission to the sheriff of Hadintoun and his deputes, within whose bounds the said apprentice presently is, to search for and

apprehend him and hand him over to the magistrates of Edinburgh to be tried and censured for his crime by them. Decreta, November 1633-April 1635. Fol. 112, b.

Supplication by Fergus Graham of Blaatwood for protection that he may satisfy his creditors.

Supplication by Fergus Graham of Blaatwood, as follows:—For relief of his debts he is in treaty with the Earl of Annerdaill and Robert McBrair of Almigill, two of his principal creditors, and is in hopes thereby to secure the satisfaction of all of them, if their Lordships will secure him from the danger of the law for a certain space. The Lords grant him their protection until this day eight days at night.

Decree of Council declaring his Majesty's gift of the Preceptory of St. Anthony beside Leith to be cancelled. See *ante*, p. 290.

Mr. William Wishart, parson of Restalrig, having procured from his Majesty when lately in this kingdom a gift of the preceptory of St. Anthons beside Leith, the Earl of Dumfermeline, the Kirk-session and poor of Leith, Sir James Foulls of Colintoun and Mr. John Hay of Easter Kennet, to whom the whole patrimony of the said benefice was lawfully disponed after it was suppressed by Act of Parliament, on getting notice that the said gift had passed the Privy Seal, summoned the said Mr. William before their Lordships to hear and see the said gift cancelled, as prejudicial to their rights. The King was thereupon informed of the matter and has been pleased by his letter to direct their Lordships to call the parties before them and, getting them to submit the business to their judgments, take such a fair course as that no harm shall ensue to parties interested through the said gift. Parties having been frequently heard, in the end, on 26th June last, the matter was called of new when there compeared the said Mr. William Wishart and his procurator, Mr. James Baird, advocate; also Robert Hepburne, advocate, for the Earl of Dumfermeline; and Mr. Alexander Hay for the said Mr. John Hay, his father. The Laird of Colintoun, and Sir James Hamiltoun of Ridhall, compeared personally. James Home, Mr. John Elphinstoun and Alexander Hay, indwellers in Leith, appeared for themselves and in behalf of the poor of Leith; and Margaret Dick, widow of Andrew Creich, and Katharine Creich, his daughter, appeared by Mr. John Cant, spouse of the said Katharine. The said Mr. William Wishart, to show that he did not purchase the said gift for his own private benefit but only for the use of the Kirk-session and poor of Leith, declared that he was content that the preceptory should be suppressed and his gift thereof cancelled so far as concerned the said Earl of Dumfermeline, the Laird of Colintoun and other parties foresaid, but that as to the Session of Leith, he would not agree to the suppression thereof unless it were found that they were fully secured; and therefore he consented that if it should be found that the Kirk-session and the poor of Leith were already secured in the possession of what they presently enjoy of the said benefice by the advice of Sir Thomas Hope of Craighall, his Majesty's Advocate, Sir Lues Stewart, Mr. Thomas Nicolsone and Mr. Andrew Aytoun, advocates, he was content that his said gift should be totally cancelled. Their Lordships accordingly remitted the verification of this fact to these advocates, who had seen the evidents produced by the town of Leith, and Fol. 113, a

Decreta, November 1633-April 1635. Fol. 113, a.

this day report was made thereof by the said Advocate. They had found the said preceptory to be suppressed and extinguished by an infeftment granted by the late King James the Sixth proceeding upon the demission and surrender of the deceased Alexander Hay, Clerk of Register, who was lawfully provided thereto, and who had power to make such demis-

Fol. 113, b.

sion both of the lands and teinds, as they had been exempted from the Act of Annexation made in 1587, with power to his Majesty to dispose of them as he pleased, and that by the said infeftment, which is dated at Dalkeith, 28th March, 1591, and ratified in Parliament on 5th June, 1592, it is provided that no gift shall be granted of the said preceptory to any person thereafter; and further that the Kirk-session and the poor of Leith were sufficiently secured in their right to so much of the preceptory as was dedicated to their use, their rights flowing from the said Mr. John Hay. The Lords accordingly find that the said preceptory has been now for long and is for ever suppressed and extinct, and in accordance with the foregoing agreement they declare the gift thereof granted to the said Mr. William Wishart cancelled, and order it to be deleted out of the register; and further that no gift of the said preceptory shall hereafter be granted to any person until all parties are cited to object. Moreover, William, Earl of Mortoun, Lord High Treasurer of this kingdom; Thomas, Earl of Hadinton, Lord Privy Seal; Mr. Adam Hepburne, keeper of the said seal, and Mr. Alexander Hay, writer to the Privy Seal and keeper of the register thereof, compearing before the

Fol. 114, a.

Lords, and Mr. Adam Hepburne having produced the principal signature and warrant of the said gift, and Mr. Alexander Hay having produced the Register of Benefices in which the said gift to Mr. William Wishart and his act of cautionry thereanent are inserted, and the said gift from the Privy Seal being produced by the said Mr. William Wishart, the said signature and the gift following thereupon under the Privy Seal were by command of the said Lords judicially and in their presence cancelled and destroyed, and the said register scored and expunged in that part thereof wherein the said gift and act of caution were inserted.

Sederunts, November 1629-January 1635. Fol. 122, b.

"The quhilk day the Lord Torphichin promeist to delyver this night his ansuers to the Clerk of Counsell to be givin up to his Majesteis Advocat to be ansuered be him aganis the nixt Counsell day." Edinburgh, 3rd July 1634. Lord Torphichen.

"The quhilk day Robert Alexander and twa of the commissioners for the burrowes, produced ane report anent the danger ariseing by casting of ballast in the river of Forth. The Lords ordains the commissioners present to advise with the remanent burrowes anent the remeiding of the abuse fosesaid and to report thair opinioun upon Tuisday nixt." , Anent the casting of ballast into the Forth.

Acta, June 1634-April 1636. Fol. 4, b.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Kingorne; Wigtoun; Roxburgh; Gallouay; Annerdaill; Lauderdaill; Southesk: Dumfreis; Tracquair; Bishop of Ros; Lord Edinburgh 8th July 1634

Melvill; Lord Naper; Master of Elphinston; Secretary; Clerk Register; Advocate; Sir James Baillie. Acta, June 1634-April 1636. Fol. 4, b.

Warrant for relieving of Dumfries Papists. See *ante*, p. 293.

"The Lords of Secreit Counsell gives and grants full power and commissioun be thir presents to Patrik, Archbishop of Glasgow, to releeve the papists prisouners in the toun and tolbuith of Edinburgh furth of thair wairds and to suffer thame to goe home upon suche conditions as the said archbishop sall be pleased to prescryve."

Decree that members of Council be not declined as jndges except they be father, son, or brother to pursuer or defender.

"Forsamekle as there hes beene sindrie declinators propouned of late aganis some of the Lords of his Majesteis Secreit Counsell in actions persewed before thame as being contingent in blood and within degrees defendant to the parteis, persewer or defender, whiche exceptioun, however it be ordinarie and receaveable in inferiour judicatoreis, yitt aucht not to be susteanned in the full extent thairof aganis the saids Lords, the Secreit Counsell being a pryme and soverane judicatorie, and the Lords thairof for thair honnour and integritie being intrusted be his Majestie with the governement and mannaging of the weightiest and most important effaires of the state; for regulating and bounding of whiche declinatour in tyme comming and to the effect it may be knowne how farre and aganis whome it aucht to be extended, the Lords of Secreit Counsell finds and declares, statuts and ordains that in tyme coming a declinatour or exception sall be onelie competent and susteanned against the saids Lords and everie ane of thame where they ar father sone and brother in blood or be law to the partie, persewer or defender, in whiche caise they sall not sitt nor judge in that actioun whereupon the declinatour is propouned; and that no declinatour sall be receaved nor admitted aganis anie of the saids Lords being outwith these degrees foresaid except for partiall counsell allanerlie."

Robert Morrison, Papist in Dumfries, presented to the Council by his brother, Herbert Morrison, and committed to the tolbooth of Edinburgh.

"Anent the terme assigned to Harbert Moresoun, indweller in Dumfreis, to have exhibite Robert Moresone before the Lords of Privie Counsell this present day to have underlyne thair will and pleasure anent his hearing of messe, compeired personallie the said Harbert and in obedience of the Counsells ordinance exhibite the said Robert, his brother, before thame, whome the saids Lords ordains to be committed to waird within the tolbuith of Edinburgh, therein to remaine till he be fred and releeved be the saids Lords."

Edinburgh, 8th July 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 115, a.

Complaint by the provost and bailies of Edinburgh against William, Earl of Errol, Lord High Constable, for interfering

Complaint by the provost and bailies of Edinburgh, as follows:—Their Lordships have recently given two sentences and decrees against them, one on 23rd July last at the instance of William, Earl of Erroll, Lord High Constable of this kingdom, finding that, in respect of the non-production of their rights, the complainers had done wrong in censuring one, Mr. John Keith, servitor to Mr. Thomas Nicolsone, younger, advo-

Decreta, November 1633-April 1635. Fol. 115, a.

cate, for the wounding of James Tenent, servitor to Sir James Nicolsone of Colbrandispeth, after he had been censured by the said Lord Constable; and ordaining the complainers to desist and cease from all censuring of any matters of slaughter, blood or riot, within four miles of his Majesty's person, Parliament or Council, where the said Earl is present by himself and his deputes; the other on 15th February last at the instance of the said Mr. John Keith, finding that the complainers had done wrong in apprehending and warding him, thus contravening the said first decreet. These decrees were pronounced for "null defence" and non-production of their writs, with this reservation in clear and express terms that their Lordships so decerned for aught they had not yet seen. The complainers are now ready for their Lordships' satisfaction to produce their rights showing that from time immemorial they have been in possession of all the points in controversy between the Constable and them, with this protestation that their Lordships will then be pleased to remit the trial of the validity thereof to the Lords of Session as judges competent, and that their production shall infer no acknowledgment against them that they submit the decision of their rights to any other judge than the Lords of Session, but only produce their rights for the respect and reverence they owe to their Lordships. They crave, therefore, that these two decrees be suspended. Charge having been given to the Earl of Erroll, Lord Constable, Mr. Archibald Haldane, his depute, and the said Mr. John Keith; and Sir Alexander Clerke, provost, William Rid and Robert Fleeming, bailies, and Mr. Alexander Guthrie, town clerk of Edinburgh, compearing personally with Mr. Thomas Nicolsone, elder, their procurator, and the Earl of Erroll and Mr. John Keith being also present with Mr. Robert Learmonth and Mr. Rodger Mowat, their procurators, the said Earl and Mr. John Keith produced the two decrees foresaid, and the town of Edinburgh for instructing their right "in judging and censuring of all maters of slauchter, blood or ryot committed be anie person or persons within the liberteis of thair said burgh," produced a charter granted to them by King James the Third, ratified in Parliament in 1621, by which they are constituted heritable sheriffs within themselves, and another charter of the office of sheriffship within Leith with a gift of justiciary whereby they are made justices of peace within Edinburgh and Leith, both granted by his Majesty's late royal father. Thereupon Mr. Thomas Nicolsone craved that seeing this question was one which depended upon the town's heritable rights and that it was the law and custom of this kingdom that all such matters should be decided by the Lords of Session, as also because his Majesty had by a letter to their Lordships (which was recorded in their books, and of which an extract was produced) indicated his royal will and pleasure that all actions which should be raised before their Lordships against the town of which the trial depended upon their infeftments should be remitted to the decision of the Lords of Session,

with the jurisdiction of the said burgh.

Fol. 115, b.

their Lordships would now remit the matter to them. It was answered on behalf of the Constable that the matter now in question did not concern the heritable rights and infeftments of the town but only the extent and exercise of the privileges due to the office of Constabularie, which had been cleared by the reports made thereof to his Majesty by the commissioners appointed to that effect and of which the said Constable was in possession by virtue of the two decrees foresaid. Further, the said office is a prime office of the Crown, and so their Lordships are most proper judges as to the extent and privileges thereof. As for the said letter it cannot be respected, being a private letter purchased by the town against their vassals of Leith, and of which there is no mention made in their summons. To this it was replied for the town that the report referred to as made to his Majesty concerning the privileges of the office of Constabularie cannot be respected and cannot militate against them as they were never called in the matter; and though the said office of Constable be a prime office of the Crown, yet this action being grounded upon heritable rights is merely civil and so proper only to the Lords of Session. The Lords, after advising, remit the whole matter as it now stands to the Lords of Council and Session as the competent judges therein, intreating them to grant speedy justice to the parties and to proceed therein according to the direction of his Majesty's letter written to the Council hereanent, of which the tenor follows:—"CHARLES R.—Right trustie and right weilbeloved cousin and counseller, right trustie and right weilbeloved cousins and counsellers and trustie and weilbeloved counsellers, wee greete yow weele. Having considered of your letter and of the differences betuix our right trustie and right weilbeloved cousin and counseller, the Erle of Erroll, our Heich Constable of that our kingdome, and the citie of Edinburgh, and of the suspensioun raised by thame of the two decreits obteaned by the said Erle before yow, and finding that the question now doeth aryse whiche sould be the convenient judicatorie before whome the caus sould be decydit, whither before yow or before our Session, in regarde of the nature of thair right they pretend to have, wee have thought fitt heirby to require yow that (if yow sall find your selfes competent judges in this differance according to the lawes and customes of our said auncient kingdome) yow proceede thairin. Bot if yow sall find that it properlie belongeth to our Session, remitte it unto thame; bot with all that no dilatories nor tedious formes of lawes be used; and that before whiche of yow this sall happen to be heard, wee command that yow deferr sentence untill yow acquaint us with the particulars of the proces. Wee bid yow faireweele. From our Manor at Greenwiche, the fourteenth day of May, 1634."

Decreta, November 1633-April 1635. Fol. 115, b.

Fol. 116, a.

Fol. 116, b.

Obligation by James Spence, merchant burgess in Edinburgh, not to molest

Anent the term assigned to James Spence, merchant burgess of Edinburgh, to appear before their Lordships and nominate auditors of the accounting between him and William Thomesone, merchant burgess there, as also to find caution for his indemnity, both of these persons

Decreta, November 1633-April 1635. Fol. 116, b.

appeared this day, and with mutual consent nominated John Fleeming, John Binning and James Barnes, merchants burgesses of Edinburgh, or any two of them, as auditors foresaid; and the said James Spence declared that he could not find caution for the indemnity of the said William, but offered to enact himself to this effect. The Lords accepted thereof, and the said James became bound under a penalty of 1000 merks that he would not molest the said William Thomesone, his wife, family, servants or goods, otherwise than by order of law.

William Thompson, also merchant burgess there, nor his family.

Fol. 117, b.

Complaint by Griffon Wmkills of Barnam in the county of Northumberland, as follows:—In his process before their Lordships for recovery of his stolen oxen out of his room of Harnam, James Tenent in Blackhall was given up as having three of them in his possession, and he on being examined thereupon by John, Lord Torphichen, declared that he bought two oxen from one John Tagart which he sold to Henry Grinlay in Hathornesyke. These two oxen were inspected by John Wmkills, son of the said Griffon, who declared that one of them, a black ox, belonged to him and his father, but that the other, a brandit ox, did not. After comparison with the probation taken in England, it has been found that this black ox is one of those stolen from the said Griffon, and should therefore be restored to him or its value of £6 sterling be paid. Charge having been given to the said Henry Grinlay, and the pursuer compearing by Mr. John Paip, advocate, his procurator, the said Henry compeared personally and promised to produce and make offer of the said ox to the pursuer or any one in his name at the West Port of Edinburgh on Thursday the 10th instant. And the Lords reserve to him his action of relief against the said James Tenent.

Complaint by Griffin Wmkills of Barnam anent his stolen oxen. See *ante*, p. 294.

Fol. 118, a.

Sederunt—Chancellor; Privy Seal; Glasgow; Kingorne; Annerdaill; Bishop of Ros; Lord Naper; Advocate

Edinburgh, 9th July 1634.

This day John Tagart, nolt-driver, was exhibited before their Lordships by John, Earl of Annandaill, and, being examined as to his purchase of the goods sold by him at Fakland fair about Allhallowmass last, declared "that ten dayes before the said feist of Alhalowmes, being in the dwelling hous of William Armestrang of Newlandhill and seeing eyght great oxin upon his ground he entered in bargane with the said Williame anent the pryce of the same, and they agreed upon the soume of fourtie shilling sterline for the pryce of ilke oxe, upon condition alwayes that what more or lesse sould be gottin for the same, they sould be equallie sharers and entressed therein; and declares that Thomas Bell in Ker, within the debattable lands, had the charge and keeping of the said goods before the[y] came in the possession of the said Williame Armestrang or that he sauld the same to the deponer."

Deposition by John Tagart, cattle-driver, anent his purchase of certain oxen at Lammes Fair.

This day John, Earl of Annerdaill, acted himself in presence of their Lordships to exhibit the said John Tagart before them on July instant.

Caution by the Earl of Annandale to exhibit the aforesaid John Tagart before the Council.

Anent John Tagart and the cattle stolen from Griffin Wmkells.

Charge against the said William Armestrong and Thomas Bell, as follows:—Eight oxen lately sold at the fair of Fakland having been claimed by Griffon Wmkills, Englishman, and the havers of these oxen having all declared that they bought the same from John Tagart, nolt-driver, who has this day declared (as above), for the further clearing thereof, the Lords ordain the said William Armestrang and Thomas Bell, now prisoner in the jail of Dumfries, to compear before them on July instant (the provost and bailies of Dumfreis to bring and exhibit the said Thomas) that they may be examined as to how and from whom they bought the said goods. Decreta, November 1633-April 1635. Fol. 118, a. Fol. 118, b.

Edinburgh, 10th July 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Kingorne; Roxburgh; Annerdaill; Dumfreis; Bishop of Ros; Bishop of Dumblane; Lord Binning; Lord Melvill; Master of Elphinston; Secretary; Advocate; Sir James Baillie. Acta, June 1634-April 1636. Fol. 5, a.

Act ordaining that hencefforth protection be granted only on special cases and on the condition that the annualrents of creditors be always paid.

"Forsamekle as diverse complaints having beene made to the Kings Majestie by sindrie of his subjects, speciallie by the free royall burrowes, of the great prejudice they susteanned by the frequent granting of protectiouns, his Majestie wes graciouslie pleased by his letter writtin and directed to the Lords of his Privie Counsell to recommend to thame that no protections pas heerafter bot upon considerable causes and upon speciall provisioun that the annuelrents be payed. In humble obedience of the quhilk letter the saids Lords according to his Majesteis most gracious and comfortable direction ordains that no protections pass heerafter bot upon considerable causes and upon speciall provisioun that the annuelrents be payed to the creditours; and ordains thir presents to be insert and registrat in the bookes of Privie Counsell and to have the strenth of ane act of Counsell in tyme comming. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas diverse complaints have beene made unto us by sindrie of our subjects, speciallie by our royall free burghes, of the great prejudice they susteane by the too frequent granting of protections, passing over the Acts of Parliament touching that purpose, we have thought fitt to recommend unto yow that nane pas heirafter bot upon verie just and considerable causes with speciall provisioun that the annuelrents be payed to the creditours, and that yow caus the acts made tuicheing the same to be keeped, that no occasion of greevance be givin to our good subjects by breache thairof. Whiche recommending to your speciall care, we bid yow farewell. Frome our mannour of Greenewiche, 14 May, 1634."

Commission to John, Lord Lindsay,

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie John, Lord Lyndsey, baillie of the regalitie of St.

Acta, June 1634-April 1636. Fol. 5, a. Fol. 5, b.

Andrewes, and reported to the saids Lords that in obedience and conforme to ane commissioun direct to him be the saids Lords for apprehending of Hercules Guthre in , and Guthre, his sone, and exhibiting thame before the saids Lords to the effect they might be delyvered to his Majesteis Justice to underly the law for the cruell murder of ane young infant procreat in fornication betuix Guthre, daughter to the said Hercules, and Kempe in , he made searche and inquyrie for the saids Hercules Guthre and his said sone and had accordinglie tane and apprehendit the said Hercules, whome he hes committed to waird within the tolbuith of St. Andrewes, where he presentlie remaines, and that his said sonne wes fled and removed furth of the countrie. Whiche report being heard and considerit be the saids Lords, they allowed of the said Lord Lyndsey his diligence and cariage in the said bussines; and seing the said cruell and barbarous fact wes committed be the saids persons dwelling within the regalitie of St. Andrewes, whairof the said noble lord is heretable baillie, thairfoir the saids Lords hes recommendit to the said Lord Lyndsey to proceed be himselfe or his deputs in the tryell and sentencing of the said Hercules for the murther foresaid according to the lawes of the kingdome and merite of the fact, and to caus summond the said Guthre to compeir before him and his deputs to underly the law for the said cryme, and in caise of his compeirance to proceed accordinglie aganis him and if he be absent and compeir not, to declare him fugitive according to the custom and order of court observed in the like caises."

Bailie of the regality of St. Andrews, to try Hercules Guthrie for the murder of an infant.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Doctour Alexander Ros, commissioner for the diocie of Aberdein, and made report to the saids Lords of the insolenceis of the papists in the North. Quhilk report being heard and considderit be thame, they ordaine letters of captioun to be direct aganis suche of the saids papists as ar excommunicat rebellis, and ordains suche as actit thameselffes to remove furthe of the countrie and hes not removed to be charged to compeir before the saids Lords to heare and see thame decerned to have incurred the penalteis conteanit in the saids acts. And, tuicheing suche as by licence frome his Majestie hes returned within the kingdome, the saids Lords gives power, warrand and commissioun to Patrik, Bishop of Aberdein, to call and conveene the saids persons before him and to caus thame exhibite thair licences and to take tryell of thair behaviour and cariage and of thair contraveening the conditions of the saids licences. And the saids Lords ordains the said bishop and the magistrats of the burgh of Aberdein to take tryell and examinatioun of the disrespective behaviour and rayling words uttered be Andersone, indweller in Aberdein, aganis the ministrie, and in caise of her refuisall to compeir before thame, or probation of the fault, with power to thame to committ her to waird and to punishe her according to the merite of her offence."

Anent Papists in Aberdeen.

Anent the erection of the Lordship of Torphichen. See *ante*, p. 297.

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, compeirand personallie before the Lords of Privie Counsell produced before the saids Lords his duply to the Lord Torphichin his reply anent his erection; quhereunto the Lords ordains the Lord Torphichin who wes personallie present to answere this day aucht dayes." Acta, June 1634-April 1636. Fol. 6, a.

Edinburgh, 10th July 1634.

[Sederunt as recorded above.] Decreta, November 1633-April 1635. Fol. 118, b.

Complaint by Mr. David Falconar of Glenfarquhar against Sir John Blackadder.

Complaint by Mr David Falconer of Glenferquhar, advocate, as follows:—At his instance, on 23rd June last, Sir John Blacader of Tullialane was put to the horn for not paying to him £2205 of principal and £400 of expenses; but he takes no heed of the said horning, and goes about, enjoying his rents and living as if he were an obedient subject. The pursuer appearing by Sir Alexander Falconer, his brother, but the defender not compearing, the Lords ordain the latter to be charged for the rendering of his house and fortalice of Tullialane and to enter himself in ward within the Castle of Blacknes, within six days after being charged thereto. Fol. 119, a.

Supplication by Robert Keith in Garvell that he may be liberated from the Tolbooth of Edinburgh where he avers that he was illegally warded by William Dick and William Gray.

Supplication by Robert Keith in Garvell, as follows:—On the 4th instant, when he was peaceably walking upon the Hie Street of Edinburgh, some of the town officers, at the direction of the provost and bailies and upon the information of William Dick and William Gray, merchants burgesses of Edinburgh, apprehended him and have imprisoned him within their tolbooth, though he is his Majesty's free liege, and has committed no offence, nor have they any lawful warrant for their action. Charge having been given to the said William Dick and William Gray and to William Rid, one of the bailies of the said burgh, to exhibit the complainer; and he being presented by Andrew Quhyt, keeper of the tolbooth, and the said William Dick compearing, but not William Gray, the Lords, after hearing parties, find that the pursuer was unlawfully apprehended and warded, and they ordain the provost and bailies of Edinburgh to liberate him, in so far as he is in ward for the above cause, since the pursuer has acted himself in 1000 merks that he will not molest the defenders nor any pertaining to them.

Edinburgh, 10th July 1634. Letter from his Majesty anent plaiding.

"A letter frome his Majestie tuicheing the presenting of plaiding to the mercat for ane order to be speedilie tane that the plaiding be sold in all tyme heerafter in opin folds exposing it to the full view of the buyer, quheranent ordains Kenmay, Pitmedden and Pittodrie to be warned to Tuisday nixt." Sederunts, November 1629-January 1635. Fol. 123, b.

Anent the pearl-fishing.

"A missive anent the fishing of pearle and discharging all former gifts thairof, quhereanent ordains Robert Buchane to be warned." Fol. 124, a.

Anent the price of beir and malt.

"Anent the price to be tane betuix the boll of beir and the boll of malt, quhereanent ordains the bailleis of Mussilburgh and Dalkeith to heard."

Sederunts, November 1629-January 1635. Fol. 123, b

"Anent the Correctioun houses ordains the justices of peace to landwart and magistrats within burgh to conveene and set doun overtoures thereanent and to report in November." Houses of correction.

"Ane act and proclamatioun dischargeing all bleitching with lyme under the pane of punishing the contraveenners thairof in thair persons and goods at the discretion of the Counsell." Bleaching with lime forbidden.

Acta, June 1634-April 1636. Fol. 6, a.

Sederunt—Chancellor; Treasurer; Privy Seal; Marquis of Hamilton; Winton; Roxburgh; Lauderdaill; Dumfreis; Southesk; Tracquair; Clerk Register; Advocate. Edinburgh, 12th July 1634.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne, Earl of Tracquair, deputie thesaurar, and produced and exhibite before the saids Lords ane contract past betuix the King his most sacred and excellent Majestie and the right noble lord James, Marqueis of Hamilton, by the whiche his Majestie with advice of the Lords of his Privie Counsell and Exchecker for and in satisfactioun of the causes therein conteanit hes dispouned and assigned to the said Marqueis of Hamilton the taxations of twa of ten ordinarie and extraordinarie and concealements thairof grantit to his Majestie be his Estats in the Parliament haldin at Edinburgh in the moneth of Junij, 1633; whiche being read in the presence and hearing of the saids Lords they allowed thairof, and accordinglie past and subscrvyed the same, and therewithall ordained the said contract to be insert and registrat in the bookes of Privie Counsell according to the directioun of the said contract. Of the whilk contract the tennour followes:—CHARLES R.—At Wanstead, within the kingdome of England, and at Edinburgh, within the kingdome of Scotland, the threttie and twelffe dayes of Junij and July the yeere of God j^m^vj^c threttie foure yeers, It is appointed, agreed and finallie contracted betuix the Kings most excellent Majestie, with advice and consent of his Hienes right traist cousins and counsellers, Williame, Erle of Morton, Lord Dalkeith and Aberdour, etc., High Thesaurar, comptroller, collector generall and thesaurar of his Majesteis new augmentations within this his Hienes kingdome of Scotland, and Johne, Erle of Tracquair, Lord Linton and Cabertoun, etc., depute be his Majestie in the said office, and of the remanent lords of his Majesteis Counsell and Exchecker within the said kingdome of Scotland, on the ane part, and his Majesteis right traist cousine and counseller, James, Marqueis of Hamilton, Erle of Arran, and Cambridge, Lord Aven and Innerdaill, on the other part, in maner, forme and effect as after followes, that is to say:—Forsamekle as his Majestie be his Hienes gifts, letters and patents under his Hienes great seale, with consent of his Majesteis saids thesaurars, comptroller, collector principall and depute, and with consent of the Lords of his Majesteis Exchecker foresaid, gave and granted to the said James, Marqueis of Hamilton, his airis and assigneyes, all and haill Contract between his Majesty and the Marquis of Hamilton, by which his Majesty agrees to pay the sum of £40,000 to the said Marquis, who, on his part, agrees to renounce his right to levy the duties on wines imported into Scotland. His Majesty further agrees to assign certain taxes to the said Marquis till such time as the specified sum is paid.

Fol. 6, b.

the customes and imposts of wynes for the space of saxteene yeeres after the first day of August j^m^vj^c threttie ane yeeres, as in the said gift of the dait at Whitehall, the twentie fyft day of Februar, j^m^vj^c threttie ane yeeres aforesaid, at mair lenth is conteanit; as lykewayes his Majestie be another gift and letters patent under his Hienes great seale, with consent of the saids thesaurars, comptroller principall and depute, and Lords of Exchecker, ratified and approved the said former gift of the dait, tennor and contents foresaid, and als of new gave, grantit and dispouned to the said Marqueis and his foresaids all and haill the saids customes and imposts of wynes, als weill old as new, perteaning and dew to his Majestie at anie tyme preceeding the dait of the said gift, and als all and haill these new imposts of wyne ordained to be uplifted frome the merchants of whatsomever wynes imported within this kingdome or exported out of the same and dew to be payed be the booke of raits, and that for the space of saxtene yeeres nixt after his entrie thereto, quhilk is appointed to have beene and begun upon the first day of August, 1631 yeeres foresaid; and siclyke made and constitute the said Marqueis and his foresaids undoubted assigneyes in and to the contract and appointment made betuix his Majesteis right traist cousine and counseller, Johne, Erle of Mar, Lord Areskine and Garioch, etc., his Majesteis thesaurar, comptroller and collector generall for the tyme, with advice and consent of the Lords of his Majesteis Exchecker, on the ane part, and Williame Dick, merchant burges of Edinburgh, on the other part, whereby the saids imposts of wynes ar sett to the said Williame Dick for the space of fyve yeers after his entre, quhilk wes upon the first day of November, 1629 yeeres, for the yeerelie payment of ane hundred and twelffe thowsand merkes Scotish money, and that in so farre as the same might be extendit to the terme of Lambmes, 1631 yeeres, and of all yeeres and termes to runne of the said tacke; lykeas his Majestie promeist to ratifie the said gift in the nixt parliament and to dissolve the said imposts of wynes frome his Majesteis crowne for the said space of saxtene yeeres to the effect the said James, Marqueis of Hamiltoun, may bruike the samine during the said space, as in the said gift of the dait at Whitehall the 16 day of Marche, 1631 yeeres foresaid, lykewayes at mair lenth is conteanit: Lykeas conforme thereto our said Soverane lord, with consent of the Estats of Parliament, be thair act of the dait at Edinburgh the 28 day of Junij, 1633 yeeres, did not onelie ratifie and approve the foresaids twa gifts, letters and patents of the daitts, tennors and contents respective abonespecefeit, bot also be the foresaid act tryed and fand the reasons and causes of the granting of the saids gifts to the said James, Marqueis of Hamilton, to have beene and to be just, seene and reasonable causes tending to his Majesteis honnour and publict good of the kingdome; and thairfoir his Majestie and Estats foresaids dissolved the saids imposts and customes of wynes, old and new, conteanit in the saids twa gifts and either of thame fra his Majesteis crowne and frome all acts of annexation

Acta, June 1634-April 1636. Fol. 6, b.

Fol. 7, a.

Acts, June 1634-April 1636. Fol. 7, a.

whereby the saids customes and imposts of wyne old and new and others conteanit in the saids gifts wer annexed to the crowne be his Majestie or anie of his Hienes predecessors, to the effect the said Marqueis and his foresaids may peaceablie bruike and injoy the same for the said space of saxtene yeeres conteanit in the saids twa gifts and according to the tennor thairof in all points, and als to the effect his Majestie might of new give and dispone to the said Marqueis of Hamiltoun and his foresaids the saids customes and imposts of wyne, old and new, and others mentiouned in the saids gifts, liberteis and priviledges for uplifting thairof for the said space of saxtene yeeres, quhilk wes and began at the said feast of Lambmes in anno 1631 yeeres, as in the said act of Parliament of the dait foresaid at mair lenth is conteanit. And lykewayes after the said act of dissolution, and conforme thereto, our said Soverane lord, with advice and consent of the saids thesaurars principall and depute, and of the remanent Lords commissioners of his Majesteis Exchecker foresaid, be his Hienes gift and letters patent under his Hienes great seale of new gave, grantit and dispouned to the said Marqueis and his foresaids all and haill the saids imposts of wynes, old and new, dew to his Majestie in anie tyme bygane preceeding the dait of the said last gift and letters patent, quhilks ar of the dait the day of July last bypast, and als all and haill the saids new customes and imposts of wynes ordained to be uplifted frome merchants of quhatsomever wynes imported within this kingdome or exported furth of the same, according as the samen imposts of wynes ar sett doun and appointed to be payed in the booke of raits, and that for the said haill space of saxtene yeeres after the said Marqueis his entrie thereto, quhilk wes and began at the said feast of Lambmes, 1631 yeeres, as in the said last gift and letters patent conteaning diverse and sindrie others clauses, conditiouns, liberteis and priviledges conceaved in favors of the said Marqueis and his foresaids lykewayes at mair lenth is conteanit. And forsamekle as his Majestie is resolved to freith the saids customes and imposts of wynes, old and new, quhilks wer his Majesteis annexed propertie, frome the burdeins of the foresaids gifts and rights made and grantit thairof in favors of the said Marques and his foresaids in forme and manner abone rehearsed, and in recompence thairof hes transacted and agreed with the said Marques for denuding himselfe thairof in favors of his Majestie and his Hienes successours for the sowme of fourtie thowsand punds sterline to be payed to the said Marqueis, with reservatioun alwayes of the tack abone specefeit sett be the said Erle of Mar, etc., with consent abonewrittin, to the said Williame Dick, and of the dispositioun and tack underwrittin sett be the said Marqueis to the said Williame Dick, in maner and forme after rehearsed. Thairfoir the said Marqueis hes renunced, quytclamed, surrendred, *simpliciter* discharged and overgivin, lykeas he be the tennor heirof renunces, quytclames, surrenders, *simpliciter* discharges and overgives fra him, his airis and assigneyes, the foresaids haill customes and

Fol. 7, b.

imposts of wynes, old and new, and the haill forenamed gifts and others rights abonementiouned made to him thairof, with all benefite and commoditie competent or that may be competent to him thereby during the haill yeeres, tymes, termes and space therein mentiouned as yitt to rin after the expyring of the tacke after specefeit, with all right, title, interesse, clame of right, propertie or possessioun quhilks he or his foresaids had, hes or may pretend, clame or have thereto to and in favors of his Majestie and his Hienes successors in all tyme coming for ever, exceptand and reservand alwayes furth and fra this foresaid surrender and renunciatioun the haill bygane yeeres since the dait of the saids gifts conteanit in the foresaid tacke sett be the said Erle of Mar, etc., with consent foresaid to the said William Dick, in respect the said Marqueis hes made right and givin discharges thairof to the said William Dick; and als exceptand ane dispositioun made be the said Marqueis to and in favors of the said Williame Dick, his airis, executouris and assigneyes, of all and haill the saids customes and imposts of all and quhatsomever wyns that sould be imported within this kingdome or transported furth thairof for all the space, yeeres and termes of three yeeres and ane halfe yeere nixt and immediatlie following the first day of November nixtocome in this instant yeere of God, 1634 yeeres, with the exceptions and reservations conteanit in the saids letters of disposition, togidder with the assignation therein conteanit made be the said Marqueis to the said Williame Dick and his foresaids in and to the foresaid letters of gift, ratification and *novodamus* grantit and givin be his Majestie to the said Marqueis of the saids customes and imposts, haill heids, conditiouns, articles and clauses conteanit in the said gift, strenth, force and effect of the samine during the said space, yeeres and termes of three yeeres and ane halfe yeere nixt and immediatlie following the said first day of November nixtocome in this instant yeere of God abonewrittin. Quhilk discharge, disposition and assignation foresaid, conteaning diverse and sindrie others heads and clauses conceaved in favors of the said Williame Dick and his foresaids subscryved be the said Marqueis and his cautioners therein nominat, is of the dait the 17, 19, 20, 24, 26 and 30 dayes of May, 7, 9, 10 and 16 dayes of Junij, 1631 yeeres foresaid. To the quhilk discharge, dispositioun and assignation foresaid nor no heid, terms nor conditioun therein conteanit, this present surrender and renunciatioun sall no wayes be extendit, bot it is declared that this present surrender is made with the burdein of the said dispositioun and tack sett be the said Marqueis to the said William Dick for the said space of three yeeres and ane halfe yeere after the said first day of November nixtocome, and with this expresse conditioun that the said Marqueis, his airis and successors sall be free and exonered of all performance and fulfilling thairof to the said Williame Dick, and that his Majestie and his Hienes successors for releeffe of the said Marqueis and his foresaids sall observe, keepe and fulfill the same to the

Acta, June 1634-April 1636. Fol. 7, b.

Fol. 8, a.

Acta June 1634-April 1636. Fol. 8, a.

said Williame Dick and his foresaids. And siclyke forsamekle as the saids thesaurars principall and depute ar addebted and awand to the said Williame Dick in the principall soume of twa hundreth and fiftie thowsand merkes money of this realme of Scotland, borrowed and receaved be thame at his Majesteis speciall command and directioun for defraying of his Hienes honorable effaires, with the annuelrent and profite of the said soume fra the terme of Witsonday, 1633 yeeres, to the terme of Witsonday last bypast in this instant yeere of God abonewrittin, extending the same yeeres annuelrent to the soume of twentie fyve thowsand merkes money foresaid, conforme to ane band and obligatioun made and grantit be the saids thesaurars principall and depute as principalls, George, Erle of Kinnoull, Chanceller of this realme, the Erles of Murrey, Buchane, Kingorne, Southesk, Quenisberrie, Lord Lorne, Lord Dalkeith, Maister of Dupline, Sir George Fletcher and James Douglas, thair cautioners, to the

Fol. 8, b.

said Williame Dick thereupon, of the dait the 8, 12 and 24 dayes of Junij and July 1633 yeeres; and siclyke the saids thesaurars, principall and depute, ar addebted and awand to James Arnot, merchant, in the soume of fyftene thowsand sax hundreth three score sevin merkes, Scotish money foresaid, lykewayes borrowed fra him be thame at command and directioun and to the effect abonespecefeit, with the soume of ane thowsand fyve hundreth threescore sax merkes money foresaid as for the annuelrent of the said last principall soume fra the said terme of Witsonday, 1633 yeeres, to the said terme of Witsonday last bypast, 1634 yeeres, conforme to another band made be the saids thesaurars to the said James Arnot thereupon of the dait the nynt day of September, 1633 yeeres foresaid; quhilks soumes of money abonewrittin borrowed, as said is, principall and annualrents, with the interest of the said annuelrent fra Martimes last bypast to the said terme of Witsonday also last bypast, extends in the haill to the soume of twa hundreth fourscore twelffe thowsand aucht hundreth fiftie sax merkes Scotish money foresaid: And lykewayes forsamekle as the saids thesaurars principall and depute gave precept and warrand for ansuering and making payment to the said Williame Dick of the soume of sevin thowsand ane hundreth fourtie twa merkes Scotish money foresaid, also borrowed by thame fra the said Williame Dick at his Majesteis command and directioun and to the effect foresaid, extending the foresaids soumes of money principall, annuelrent and interesse with the other soume foresaid conteanit in the said precept, in the haill to the soume of three hundreth thowsand merkes money foresaid, and that the said James, Marqueis of Hamiltoun, at his Majesteis speciall directioun hes reallie and with effect made payment to the said Williame Dick for himselfe and in name of the said James Arnot of the foresaid haill soume of three hundreth thowsand merkes money foresaid awand to thame in forme and maner abonespecefeit, and upon the payment thairof hes reported backe frome the said Williame Dick the twa

bands respective abonespecifeit unregistrat and the precept foresaid with the said Williame Dick his discharge for himselfe and takand the burdein on him for the said James Arnot on the backes thairof of the haill soume of money abonespecefeit extending as said is, for exoneratioun of his Hienes saids thesaurars principall and depute of the same soumes and obligement therein conteanit; lykeas also the said Marqueis at his Majesteis speciall directioun hes takin upon him the payment to the said Erle of Mortoun of ane yeerelie pension of fiftie twa thowsand merkes Scotish money foresaid grantit to him be his Majestie yeerelie during all the dayes of his lyfetyme, of the dait the threttene day of Januar, 1632 yeeres, and that during the space following, viz., the terme of Witsonday nixtocome in anno 1635 yeeres, and yeerelie and termelie thereafter ay and whill the ische and expyring of ane tack and assedatioun sett be his Majestie to the said Williame Dick during his lyfetyme, and after his deceasse to Mr Johne Dick, his sone, his airis and assigneyes, of the erledome of Orkney and lordship of Zetland and others therein specefeit, for the space of aucht yeeres therein mentiouned, for payment of the yeerelie dewtie therein conteanit, of the quhilk tack dewtie during the haill space of the said tack there is assignatioun made be his Majestie to certane persons conteanit in the said tack, quhilk tack is of the date the thrid day of November, 1629 yeeres, during the quhilks yeeres of the said William and Mr Johne Dick thair tackes foresaids yitt to rin the said Erle of Mortoun is debarred be the samine tack of his reall securitie of the said erledome of Orkney and lordship of Zetland foresaid, assigned and dispouned unto him in payment and satisfaction of his said pension; lykeas also the said Marqueis hes obleist himselfe and be thir presents obleissis himselfe and his airis to make payment to the said Erle of Mortoun of the foresaid soume and pensioun of fiftie twa thowsand merkes Scotish money foresaid yeerelie at twa termes in the yeere, Witsonday and Martimes, be equall portiouns, beginnand the first termes payment thairof at the said feast and terme of Martimes nixt to come in the said yeere of God 1635 yeeres, and so furth yeerelie and termelie thereafter during the haill yeeres and termes to rin of the foresaid tack sett be his Majestie to the said Williame Dick and his said sone in maner foresaid, and that furth of the taxatiouns assigned be his Majestie to the said Marqueis for his awne payment and for payment of the said pensioun to the said Erle of Morton during the space foresaid; and incaise the said Erle of Morton sall happin to acquire and obteane possessioun of the rents of the said erledome of Orkney and lordship of Zetland for payment of the said pensioun or receave otherwayes satisfactioun from his Majestie thairfoir at anie tyme before the ische and expyring of the said tack sett to the said Williame Dick and his said sone than and in ather of the saids caises the said Marqueis to be fred and exonered of the foresaid obligement made be him for payment of the said pensioun to the said Erle of Mortoun in all tyme thereafter during the

Acta, June 1634-April 1636. Fol. 8, b.

Fol. 9, a.

Acta, June 1634-April 1636. Fol. 9, a.

yeeres and termes therein to rin of the said William and Mr Johne Dick thair tacks foresaids, he alwayes making payment to the said Erle of suche byganes of the said pensioun as he sall happin than to be restand awand after the said terme of Witsonday nixtocome to the tyme of the acquyring of the said Erle his possessioun of the saids rents of Orkney and Zetland for payment of his said pensioun or satis-

Fol. 9, b.

factioun otherwayes therefore in forme and maner abonewrittin; and siclyke the said Marqueis, be his Hienes said direction and warrand, hes takin the payment upon him to Sir James Galloway, Maister of the Scotish Requeists, of the soume of fyve hundreth punds sterline promitted to him be his Majestie: For the whilks causes his Majestie being graciouslie pleased that the said James, Marqueis of Hamiltoun, be dewlie satisfied and payed of the said soume of fourtie thowsand punds sterline money foresaid for his said surrender and renunciation of his saids gifts and rights of the saids imposts of wyne and als repayed of the said soume of three hundreth thowsand merkes Scotish money foresaid payed be him to the said Williame Dick in maner and for the caus abonerehearsed and of the annuelrent and proffite of the said soume of three hundreth thowsand merkes Scotish money foresaid presentlie payed and advanced to the said Williame Dick in maner and for the caus foresaid, as said is, according to the acts of parliament, beginnand the first termes payment of the same annuelrent at the feast and terme of Martimes nixt to come in this instant yeere of God 1634 yeeres, as for the annuelrent of the said soume of three hundreth thowsand merkes fra the terme of Witsonday last bypast to the same terme of Martimes nixtocome, and sua furth yeerelie and termelie thereafter ay and whill the said Marqueis be compleitlie payed and satisfied of the said soume of three hundreth thowsand merkes Scotish money foresaid; and lykewayes that the said Marqueis be reallie payed and satisfied of the said soume of fiftie twa thowsand merkes Scotish money foresaid, quhilk he is obleist to pay to the said Erle of Morton for his said pensioun during the space abone rehearsed, and of the said soume of fyve hundreth punds sterline money foresaid quhilk the said Marqueis is obleist to pay to the said Sir James Galloway in maner foresaid; and his Majestie not having money in coffer for payment and satisfactioun to the said Marqueis of the foresaids soumes, and considering that his Majestie by his commissioun under his Hienes great seale of the dait at Greenewiche the last day of July, 1633 yeeres foresaids, hes made, constitute and ordained the said Marques collector generall of the grant of twa of ten and taxatiouns ordinar and extraordinar grantit to his Majestie in the moneth of Junij, the said yeere of God 1633 yeeres, and of the haill concealements of the said grant of twa of ten and of the taxatiouns ordinar and extraordinar foresaids during the haill yeeres and termes of the said grant of the taxatiouns foresaids, as the said commissioun of the dait foresaid at mair lenth beiris, thairfoir his Majestie, with advice and consent foresaid, hes assigned and

dispouned and be the tennor heirof his Hienes assignes and dispons to and in favours of the said Marqueis, his airis, executouris and assigneyes, all and haill the first and readiest of the soumes of money arising and belonging to his Majestie be the said grant of twa of ten and of the taxatiouns ordinar and extraordinar respective foresaids, togidder with the haill moneyes dew to his Majestie be the said grant of twa of ten and of the saids taxatiouns ordinar and extraordinar grantit to his Majestie in the said moneth of Junij, 1633 yeeres, and all annuelrents concealed or to be concealed furth of the same taxatiouns and grant of twa of ten foresaid, and that als weill of all yeeres and termes bygane as yeerelie and termelie thereafter during the haill yeeres and termes of the said grant of twa of ten and of the taxatiouns respective foresaids, ay and whill the said Marqueis be compleitlie payed and satisfied of the said soume of fourtie thowsand punds sterline money foresaid of the first and readiest of the said grant of twa of ten and of the taxatiouns respective foresaids, and that in satisfactioun of his said surrender and renunciatioun foresaid of his said right of the saids [*sic*] impost of wynes, and als ay and whill the said Marqueis be payed and satisfied of the said soume of three hundreth thowsand merkes Scotish money foresaid payed be him to the said Williame Dick in maner, forme and for the causes abonespecefeit, and of the annuelrent and profite of the samine soume of three hundreth thowsand merkes money foresaid, fra the said terme of Witsonday last bypast to the said terme of Martimes nixtocum and yeerelie and termelie thereafter ay and quhill the repayment to him and his foresaids of the samine soumes, and lykewayes of the said soume of fiftie twa thowsand merkes Scotish money foresaid obleist to be payed be him to the said Erle of Mortoun for his said pensioun yeerelie during the space abone rehearsed, and of the said soume of fyve hundreth punds sterline for quhilk he is bound to the said Sir James Galloway in maner abonespecefeit. And it is expresselie declared that the annuelrent dew to the said Marqueis for the said soume of three hundreth thowsand merkes money foresaid payed be him to the said Williame Dick in forme, maner and for the caus foresaid sall rin continuallie for the haill yeeres and termes after the dait heirof whill the said soume of fourtie thowsand punds sterline money foresaid be compleitlie payed, togidder with the said soume quhilk the said Marqueis hes undertakin to pay to the said Sir James Galloway, togidder with the said pensioun dew to the said Erle of Morton to be payed yeerelie and termelie respective; quhilks being payed and the said soume of three hundreth thowsand merkes Scotish money being also payed be the said grant of twa of ten and taxations foresaids, that than and no sooner the said annuelrent sall ceasse; with this provisioun alwayes that as the said Marqueis sall happin to be payed of anie part of the said sowme of three hundreth thowsand merkes Scotish money foresaid lesse or mair that the annuelrent of the same soume of three hundreth thowsand merkes Scotish money foresaid sall decresse

Acta, June 1634-April 1636. Fol. 10, a.

Fol. 10, b.

Acts, June 1634-April 1636. Fol. 10, b.

proportionallie; with power to the said Marqueis to deteane in his awne hands whatsomever soumes of money arising or that sall happin to arise to his Majestie of the said grant of twa of ten and that als weill of all the yeeres thairof bygane as to come, togidder with the haill moneyes alreadie receaved or to be receaved be the said Marqueis and his factors be way of composition frome anie of the burrowes of this kingdome or members of the Colledge of Justice or anie others persons whatsomever; and als with power to the said Marqueis and his foresaids to uplift, ingadder, reteane and apply to his owne use the haill soumes of money of the saids taxations ordinar and extraordinar with the haill benefite of the same and haill concealements thairof and of the said grant of twa of ten foresaid. Provyding alwayes, lykeas it is heirby expresselie provydit and declared, that the said Marqueis after the expyring of the yeeres of the said taxatioun, or sooner as it sall please his Majestie to command, sall be obleist to make compt to suche commissioners as his Majestie sall be pleased to nominat and appoint for that effect of suche soumes of money of the said grant of twa of ten and of the taxations foresaids and concealments thairof as sall be intrometted with be him to the effect it may be knowne if there be anie superplus restand in his hands mair nor payes and compleits himselfe of the haill soumes of money and annuelrents thairof addebted to him and undertakin be him in forme and maner abonerehearsed, to the effect he may make payment of the said superplus to his Majestie and others having power of his Hienes to receave the same. And incaise it sall be found after just compt and reckoning that the said Marqueis is not fullie satisfied and compleitlie payed be his intromissioun of the haill soumes of money principall and annuelrents respective abonerehearsed than and in that caise his Majestie with consent abonewrittin to be bound and obleist, lykeas his Hienes be thir presents with consent foresaid obleissis him and his successors foresaids to make payment of the samine to the said Marqueis and his foresaids in forme and maner abonespecefeit so farre thairof as sall be found trewlie restand awand unto him after just compt and reckoning, as said is, togidder with the annuelrent thairof of the first terme of Witsonday or Martimes after the making and fitting of the saids compts, and yeerelie and termelie thereafter, ay and quhill he be compleitlie payed of the samine soumes so to be found restand to him, as said is. And forsamekle as the said Marqueis hes imployed his honorable and loving freinds after specefeit to be cautioners for him for uplifting of the saids soumes presentlie payed to the said Williame Dick, and for other great soumes borrowed be the said Marqueis for advancing of his Majesteis service, thairfoir the said Marques, incaise of his awne deceasse before the said twa of ten and haill taxations foresaids ordinar and extraordinar and concealements thairof be uplifted and ingadderit, be thir presents makes and constituts the persons following, viz., David, Erle of Southesk, and Johne Hamilton of Orbeston his verie lawfull and undoubted cessioners and assigneyes in and to his

Fol. 11, a.

lordships part of this present contract and in and to the saids twa of ten and haill taxations ordinar and extraordinar and concealements thairof so farre as sall rest unuplifted the tyme of his deceasse to the effect they may uplift the samine and imploy the haill moneyes thairof for releeffe of thameselffes and suche others freinds to the said Marqueis who stands bound for the said Marqueis to his creditours; lykeas his Majestie, incaisse it sall happin the said Marques to deceasse before the full uplifting of the saids twa of ten and taxatioun ordinar and extraordinar and concealements thairof foresaids, now as then and then as now makes and constituts the saids David, Erle of Southesk, and Johne Hamilton of Orbestoun collectors of the saids twa of ten and taxations ordinar and extraordinar and concealements thairof in als ample forme as is conteanit in the foresaid commissioun of collectorie grantit be his said Majestie to the said Marques, quhilks ar heere repeated to the effect they may ingadder and uplift the same to the use foresaid. And for the mair securitie his Majestie, with consent foresaid, and als the said Marqueis, parteis contracters abonenamit, ar content and consents thir presents be insert and registrat in the bookes of Counsell and Sessioun, Secreit Counsell or Exchecker to have the strenth of ather of thair decreits within this kingdome of Scotland, with letters and executoriallis of horning and others requisite in forme as effeiris to pas heirupon; and for that effect they make and constitute Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, and Sir Lewes Stewart, advocat, thair procuratours conjunctlie and severallie, *promitten. de rata.* In witnes of the quhilk thing his Majestie hes superscryved thir presents, as lykewayes the said Marques and remanent persons consenters foresaids in tokin of thair consent have subscryved with thair hands thir presents, writtin be Mr Johne Drummond, servitour to Johne Mudie, Writter to his Majesteis Signet in Edinburgh, dayes, moneth, places and yeeres of God respective abonewrittin. *Sic subscribitur*, J. Hamilton; Geo. Cancell.; Morton, Th^r^; Hadinton; Winton; Roxburgh; Lauderdaill; Dumfreis; Tracquare; Jo. Rossen.; Arch. Acheson; J. Hay; S. Thomas Hop; S. A. Strachan. Followes the docket of the said contract:—Please your sacred Majestie, This contract is drawin up by your Majesteis speciall warrand betuix your Majestie with consent of your Majesteis officers, Counsell and Exchecker, on the one part, and your Majesteis cousigne, James, Marqueis of Hamilton, on the other part, whereby the said Marqueis renunces his right to the impost of wynes for saxtene yeeres gifted to him of before with exceptioun to Williame Dick of the said impost for three yeeres and ane halfe after the first of November nixtocum, for the quhilk your Majestie is to pay to the Marqueis fourtie thowsand punds sterline; and siclyke the said Marqueis hes payed to Williame Dick at this terme of Witsonday last bypast the soume of three hundreth thowsand merkes for releeffe of the like soume wherein your Majesteis thesaurars principall and depute wer

Acta, June 1634-April 1636. Fol. 11, a.

Fol. 11, b.

Acta, June 1634-April 1636. Fol. 11, b.

obliged to the said William Dick for your Majesteis effaires; as alsua the said Marqueis hes takin on him to make payment to the Erle of Morton of his yeerelie pension of fiftie twa thowsand merkes for so manie yeeres as he is or sall be debarred frome the rents of Orkney and Zetland by the tack sett be your Majestie to Williame Dick and his sone; as als he hes undertane the payment of fyve hundreth punds sterline promitted by your Majestie to Sir James Galloway: In satisfaction of the quhilks haill soumes and of the annuelrent of the saids three hundreth thowsand merkes your Majestie dispons to the said Marqueis all and whatsomever soumes of money arising to your Majestie by the grant of twa of ten or be the taxatiouns ordinar and extraordinar grantit to your Majestie latelie with the haill concealements thereof, and that als weill of all termes bygane as to come, ay and quhill the said Marqueis be compleitlie satisfied of the premisses. And the said Marqueis is obleist to make compt to suche commissioners as your Majestie sall appoint of his intromissioun, and if there be anie superplus to pay the samine; and if after compt it sall be found that the said Marqueis is not fullie payed, in that caise your Majestie is bound to make payment of the rest, if anie be, to the said Marqueis with the profite thairof; and the said Marqueis, in caise of his deceasse before the uplifting of anie of the saids haill soumes assigned to him, as said is, hes named David, Erle of Southesk, and Johne Hamiltoun of Orbestoun his assigneyes, with power to thame to uplift the samine and to apply the samine to the payment of his just debts; lykeas your Majestie in caise of the said Marqueis his deceasse makes thame collectors of the saids haill taxatiouns and concealements in ample forme as is conteanit in the commissioun grantit to the said Marqueis. *Sic subscribitur*, S. Thomas Hop. Followes the consent of registratioun: Apud Edinburgh, 12 July, 1634, I, Sir Thomas Hop, Advocat to his sacred Majestie, as procurator for his Majestie and the Lords of Counsell and Exchecker within subscryving, consents to the registration of this withinwrittin contract in the bookes of Secreit Counsell, Exchecker and Sessioun. Sir Lewes Stewart, procurator for the Marques, consents. And the saids Lords ordains the principall contract to be givin up to the Clerk of Register to be keeped be him and to the effect he might caus register the same in the bookes of Counsell and Exchecker, whilk wes accordinglie performed."

Fol. 12, a.

Protestation by Sir Thomas Hope, Lord Advocate, anent the above contract.

"The whilk day the contract betuix his sacred Majestie, with advice and consent of the Lords of Secreit Counsell and Exchecker, on the ane part, and ane noble marques, James, Marques of Hamilton, on the other part, anent the dispositioun made to the said Marques be his Majestie of the taxatioun of two of ten and of the ordinar and extraordinar taxation grantit to his Majestie be the Estats in the moneth of Junij, 1633, in satisfactioun of the soumes of money mentiouned in the said contract, being exhibite be Johne, Erle of Tracquaire, deputie thesaurar, to be past and subscryved be the Lords of his Majesteis Counsell and Exchecker, of

the quhilk nomber Sir Thomas Hope of Craighall, his Majesteis Advocat, is one, the said Sir Thomas protested that his docketting of the said contract be command of his Majestie and the subscryving thairof be him this day sould not be prejudiciall to him, his airis and executors of his gift of twa thowsand punds sterline dispouned to him be his Majestie nor to the twa precepts direct be his Majestie to his Majesteis thesaurars for payment of the said soume and annualrents thairof, quhilks precepts ar accepted be the saids thesaurars, but the samine to stand in thair owne force unprejudged after the forme and tennor thairof in all points. To the quhilk protestatioun the said noble Marqueis, being personallie present, consented." Acta, June 1634-April 1636. Fol. 12, a.

Edinburgh, 15th July 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Marquis of Hamiltoun; Glasgow; Erroll; Wintoun; Kingorne; Roxburgh; Dumfreis; Southesk; Traquaire; Lord Binning; Lord Melvill; Lord Naper; Secretary; Clerk Register; Advocate. Decreta, November 1633-April 1635. Fol. 119, b.

Complaint by Patrick Edmeston of Wolmet against Mr. James Raith of Edmeston whom he accuses of illegally seeking to put him to the horn.

Complaint by Patrick Edmestoun of Wolmet, as follows:—He has been charged at the instance of Mr. James Raith of Edmestoun "to make patent and passable the wayes and passages leading from the said Mr James his hous to the kirk at Natoun as they have beene thir twa yeeres bygane" in terms of their Lordships' decree, and he intends to put him to the horn for disobedience, although he has really and truly fulfilled the same in all points; for the charge is only of malice to draw the complainer from attending his affairs at home, and under the horn. He has found caution in 500 merks for obeying the said decree in case it shall be found that he has not done so, and craves suspension of the horning. Pursuer and defender both compearing and having been heard, and Mr. James Raith still insisting that the decree had not been obeyed, the Lords ordain that the said ways and passages be viewed, enlarged and made patent by the appointment and at the sight of Robert Prestoun of Craigmiller, as a neutral person for both parties, and grant their warrant to him for the same. He is to report his procedure so that what he ordains may be fully authorised to stand under the penalties contained in the acts of lawburrows by the said parties. Fol. 120, a.

Complaint by Isobel Sewart and William Douglas, her husband, against William Douglas in Pumpherston for hamesucken and assault on the said Isobel.

Complaint by Isobel Sewart, spouse of William Douglas, fiar of Pomferstoun, and the said William, for his interest, as follows:—On 29th June last, William Dowglas in Pomferstoun came by way of hamesucken to the complainer's dwelling house and at the instigation of Marion Bruce, his mother, entered the same about 10 o'clock at night when the complainer was alone, and, without any offence given by her, "shamefullie patt hands in her person, she being great with chylde, gave her manie bauche and blae straiks in the face with his falded neiffes, dang her to the ground, strake her with his feete on the bellie, rugged out the haire of her head, and thairafter drew his dager and sword and had not failyied

Decreta, November 1633-April 1635. Fol. 120, a.

to have slaine her thairwith if her husband had not happielie come for her lyffe; and then the said William flew." Charge having been given to the said William Dowglas and his mother, and the complainer compearing by her said spouse, but not the defenders, the Lords ordain them to be put to the horn and escheated.

Fol. 120, b.

This day there compeared personally John Robertsone of Bletton, Hew Campbell of Seat and John Campbell, his son, and produced a copy of letters at the instance of Duncan Ferguson in Meling, Christian McDuff, tenant of the Earl of Errol and , their servants, charging them to appear this day before their Lordships and answer to a complaint of having hurt and wounded the said Duncan Ferguson's servants, and protested that seeing their accusers had not compeared to prosecute their complaint, nothing further should proceed in this case against them until they were warned of new and their expenses paid. The Lords admit the protestation.

John Robertson of Bletton and others relieved from prosecution owing to the non-appearance of their accusers.

Supplication by John Dumbar of Moynes and Robert Dumbar, apparent thereof, as follows:—The warrant granted to them by their Lordships for selling their lands and paying their creditors expired this day, and they have fully settled with all their creditors by selling their lands to John Grant, brother's son to the late Laird of Grant, who has taken over all their debts, and nothing further remains to be done but to receive the money, which will require some further time. This accordingly they crave, and the Lords extend their protection till Martinmas next, reserving power to themselves to recall the same on the complaint of parties, the supplicants being first warned thereto.

Supplication by John Dunbar of Moynes and Robert Dunbar, his heir, for protection that they may finally satisfy their creditors.

Fol. 121, a.

Complaint by Mr. Andrew Ramsay, one of the ordinary ministers of Edinburgh, as follows:—On 5th February last, Alexander, Earl of Lithgow, as principal, Alexander, Lord Elphinstoun, Alexander Levingstoun of Pantaskane and John Levingstoun of Hayning, were put to the horn at the complainer's instance for not paying him 8000 merks of principal and the interest due thereupon; but they pay no regard to the said horning. The pursuer compearing by Harie Osburne, his procurator, and the defenders by Alexander Linton, their procurator, who produced a protection granted by his Majesty in favour of the said Earl of Lithgow and his cautioners until December next, the Lords find that the protection foresaid will secure their persons from warding in the Castle of Blacknes; and further for certain considerations they supersede the granting of the certification of the said letters against Lord Elphinstoun and the Laird of Pantaskane for the rendering of their houses until their Lordships be further advised, but they ordain letters to pass for charging John Levingstoun of Haynings and the havers of his house to render the same within six days upon pain of treason.

Complaint by Mr. Andrew Ramsay, one of the ministers of Edinburgh, against Alexander, Earl of Linlithgow, and others for disregarding the horning under which they lie at the pursuer's instance.

Fol. 121, b.

Supplication by John Toshoche, as follows:—He is kept in ward within the tolbooth of Edinburgh without any maintenance and during the past month has been defrauded of the allowance modified by their

Supplication by John Toshoche anent his

maintenance in the Tolbooth of Edinburgh.

Lordships to him to be paid by Mr. James Farquharsone in name of the Marquis of Huntlie, who also intends not to pay the same in time coming, and he therefore craves that order be taken herein by their Lordships. Both the supplicant and Mr. James Farquharsone being personally present, and having been heard, the Lords ordain Mr. James Farquharsone to pay John Toshoche what is in arrear of his maintenance and also to continue his payment in time coming until he report to their Lordships the Marquis of Huntlie's consent to the release of the supplicant.

Decreta, November 1633-April 1635. Fol. 121 b.

Edinburgh, 15th July 1634. Patent for making soap cancelled.

"The quhilk day ane signature past and exped under the hands of the Lords of his Majesties Exchecker anent the making of soape in favors of John Pilmor being exhibitt before the Counsell be the Advocat wes cancelled and the Lords of Exchecker thair hands riven thairfra."

Sederunta, November 1629-January 1635. Fol. 124, b.

Earl of Hadington and commissioners for revision of the laws.

"The quhilk day the Erle of Hadinton, Southesk, and Thomas Crombie of Kemnay accepted upon thame the commission for surveying of the lawis."

The same.

"The Lords continowis the commissioners for surveying of the lawis and the course and order to be followed out for prosecuting of the service till the first Counsell day of November nixt quhairof the Counsellers present, togidder withe the President of the Session, Balcolmie, Foderance, Kemnay, Kelburne, and John McKiesone, who were personallie present, are warned *apud acta*."

Anent the repairing of the causeway in Cowiemouth.

"The Lords ordains suche barons of the north as are in the toun to be warnit to Thursday to give thair opinion anent a dewtie to be uplifted towards the repairing of the calseyis in Cowiemouth."

Fol. 125, a.

Edinburgh, 17th July 1634.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Winton; Wigton; Kingorne; Annerdaill; Lauderdaill; Dumfreis; Stirline; Southesk; Tracquair; Naper; Binning; Bishop of Ros; Bishop of Dumblane; Secretary; Clerk Register; Advocate; Sir James Baillie.

Acta, June 1634-April 1636. Fol. 12, a.

The erection of the Lordship of Torphichen.

"The Lords of Secreit Counsell continewes the giving in of the Lord Torphichin his answers to his Majesteis Advocats reasons givin in aganis his erectioun till this day aucht dayes, quhereupon his Majesteis said Advocat declared that he would make no forder answers to the Lord Torphichin in that matter, bot wes content that the Lords sould consider of what wes alreadie givin in and accordinglie make report to his Majestie."

Fol. 12, b.

Direction, in accordance with a missive from his Majesty, anent the existing method of selling plaiding.

"The Lords of Secreit Counsell having read, heard and considderit his Majesteis missive letter writtin and directed unto thame whereby his Majestie recommendit unto thame the taking of some speedie course and order that the plaiding whiche formerlie hes beene in use to be presented to mercats and to be sald in hard rollis sall in all tyme heerafter be presented to mercats and sold in opin folds, exposing it to the full view of the buyer, the saids Lords in humble obedience of his Majesteis royall

Acts, June 1634-April 1636. Fol. 12, b.

directioun being carefull that this abuse, if anie be, whereby the buyers under trust ar deceaved, sall be examined and after tryell removed, the saids Lords for this effect callit before thame some of the barons in the north with some commissioners for the burrowes and recommendit to thame the making choise of some of thair nomber to repaire to the mercats in the north and to take tryell of the abuse foresaid and of the wrong alledgit done in the mettage. Lykeas the saids barons nominat Thomas Areskine of Balhaggartie and Johne Leslie, younger of Pitcaple for Laurenfaire, Sir Alexander Hay of Delgatie and Williame Dalgorno of that Ilke for Lambmesse and Collanfaire, Alexander Strauchane of Glenkindie and Forbes of Cossindae for Bartholfaire and Michaelfaire in Birs; and the burrowes nominat Androw Meldrum, baillie of Aberdein, Patrik Leslie there, Johne Leslie, deane of gild there; Mr Mathow Lumsden, George Moresone and Robert Cruikschanke, burgesses of Aberdein; unto the quhilks persons so nominat, as said is, the saids Lords gives power and commissioun to repaire to the faires foresaids and to take tryell of the abuse foresaid and prejudice, if anie be, in presenting of plaiding in rollis to the mercats and of the wrong done in the mettage and to report to the saids Lords what they will finde therein, with thair opinioun for remeiding thairof upon the first Counsell day of November nixt. Followes his Majesteis missive anent the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, Fol. 13, a. and right trusty and trustie and weilbelovit counsellers, we greit yow weill. Whereas there wer diverse particulars presented to us and our Estats[1] at our late parliament there by our royall free burrowes requiring dew consideratioun speciallie tuiching the fraud used by sellers of plaiding in presenting thairof to mercat in hard rollis whereby under trust they deceave the buyers; our pleasure is that you take these particulars into your serious consideratioun, speciallie that tuicheing tho plaiding, causing an order to be speedilie takin and punctuallie keeped that the said commoditie be sold at all tyme heerafter in opin folds exposing it to the full view of the buyer. So expecting all possible expedition heerin for dispatche of these commissioners of our burrowes that sall attend the same, we bid yow farewell. Frome our mannour of Greenewiche, 14th May, 1634."

Proclamation against bleaching cloth with lime.

"Forsamekle as the Lords of Secreit Counsell ar informed that there hes beene ane verie great abuse overseene in this kingdome thir diverse yeeres bygane by bleitching of cloath with lyme, quhilk cloath so bleitched becomes in short time so unsufficient and is so brunt with the lyme that it hes no continuance bot is eaten up and spoyled afoir it be halfe worne, to the great hurt of the commoun weale; for removing of quhilk abuse and preventing the forder grouth thereof the Lords of

[1] Acts of Parl. of Scot., v. 49.

Secreit Counsell hes discharged and be the tennor heirof discharges all his Majesteis lieges and subjects that nane of thame presoome nor take upon hand at anie tyme after the publicatioun heirof to bleitche anie cloath with lyme upon whatsomever cullour or pretext, under the pane of punishing of thame in thair persons and goods at the sight and arbitrement of the shireffs and justices of peace to landwart and of the magistrats within burgh according to the place and residence of the persons offenders and contraveenners of this present act and ordinance; and ordains letters to be direct to make publicatioun heirof be opin proclamatioun at all places neidfull quherethrow nane pretend ignorance of the same; and to command, charge and inhibite all his Majesteis lieges and subjects that nane of thame presoome nor take upon hand at anie tyme after the publicatioun heirof to bleitche anie cloath with lyme under the pane to be punished in thair persons and goods in maner foresaid: Commanding heirby all shireffs and justices of peace to landwart and all provests and bailleis within burgh to have a speciall care, everie one of thame within thair awne bounds, to see this act and ordinance preceislie keeped and the offenders and contraveenners exemplarlie punished, as they will ansuer upon the dewtie of thair office and obedience." Acta, June 1634-April 1636. Fol. 13, a. Fol. 13, b.

Anent the contribution for the relief of the people of the Orkneys. See *ante*, p. 284.

"The Lords of Secreit Counsell nominats and appoints and therewithall gives full power and commissioun to Mr Mathow Wemis, minister at Halyrudhous, to receave all the moneyes collected and to be collected and contributed towards the releeffe of the necessitous people of Orkney throughout all the parts of this kingdome; and ordains and commands all suche persons who ar entrusted with the collectioun of anie part of that contribution to inbring and delyver the same to the said Mr Mathow, and ordains the said Mr Mathow to make payment and delyverance of suche of the saids soumes as he sall receave to the Bishop of Orkney to be disposed and imployed be him towards the supplee and releefe of the saids necessitous people; quhereanent the extract of this act, with the said Mr Mathow his acquittance to the particular persons frome whome he sall receave the moneyes foresaids, togidder with the said Bishop his acquittance upon the recept of the saids moneyes frome the said Mr Mathow, sall be to the said Mr Mathow and others persons respective foresaids ane warrand."

Edinburgh, 17th July 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 121, b.

Complaint by Mr. Peter Kennoway against the magistrates and certain burgesses of Linlithgow for damages done on his lands of Ketlestoun.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Mr. Peter Kennowie of Ketlestoun, as follows:—The said Mr. Peter is heritably infeft in the lands of Ketlestoun and mill and haugh adjacent thereto. For the past two years this haugh has been much injured by spates and floods on the Water of Even, and the complainer fearing that these would wreck not only the haugh, but the mills and kilns thereon, brought a number of great stones, and on 26th June last caused ten or

Secreta, ... mber ... April ... Fo. 121, b.

twelve workmen commence building with these stones at such parts of the haugh as required to be strengthened. When information of this was carried to the burgh of Linlithgow, Andrew Bell, provost, Christall Creichtoun, James Gibbiesone and Alexander Parke, bailies, William Hamiltoun, late bailie, Charles Crawfurde, dean of guild, James Crawfurde, treasurer, Robert and Mr. Andrew Ker, clerks of Linlithgow, James Glen, owner of the mill of Linlithgow, Henry Raith, smith, John Robert, deacon of the weavers, John Lawrie, deacon of the smiths, John Bell, deacon of the bakers, Patrick Gibbiesone, deacon of the cordiners, William Smith, litster, George Gibbiesone, deacon of the tailors, Andrew Mylne, chirurgeon, William Bell, burgess of Linlithgow, Thomas Gibsone, Fol. 122, a. litster, James Parke, maltman, John and Andrew Duncan, maltmen, James Robesone, younger, baker, James and John Bishop, millers, Andrew Borthick, miller, John Gib, miller, and Robert Moriesone, in violation of the laws against convocation of the lieges in arms for violent and insolent deeds, assembled together "in a tumultuous and unseemlie maner the communitie of the said burgh, to the nomber of three hundreth men, armed with swords and long weapons, and came in a furious maner to the compleaners workmen, boasted thame with manie injurious and minassing speeches, threatning thame with death if they wrought anie furder at that worke, and the provost particularlie discharged the worke men saying, if they wrought thair he sould burie thame under the stones. Whereupon the poore men for feare of thair lyves left the worke that day. Yitt, be the diligence of the worke men, the worke wes happilie putt up and perfytted upon the first of July instant, whereof new informatioun being made to the commons and bodie of the toun they all conveened in ane most furious maner with swords, lances, halberts, picks and Jedwart stalves upon the ellevent of this instant, came in a tumultuous maner to the said hauche, trade doun the compleaners cornes, dimolished the whole worke of his fortification, drew the whole stones wherewith he had fortified it and layed the same upon the northe syde of the Water of Even, with drawin swords and halberts persewed James and John Kennowies, the compleaners sones, who went there to make [*sic*] thair lawles proceedings and take witnesse thairupon, strake at thame with swords, and he having a sword at his belt undrawin they brake the same behind him, raive his cloths, preist to have castin him in the water, vented manie disgracefull speeches in contempt of the law, saying they counted not for the penaltie of the lawborrowis, and that they sould rather spend fyve yeeres rent of the common good before Fol. 122, b. they had not thair will of the compleaner." Further, James Mairshell, the said Mr. Peter's servant, "being weeding corne, they reft him of the wedock and brake it on him, bruised and trod him under foote." Charge having been given to the persons complained upon, and the pursuers compearing personally, likewise Andrew Bell, provost, Cristall Crichtoun, Alexander Parke and James Gibbiesone, bailies, William

Hamilton, late bailie, Charles Crawfurde, dean of guild, James Crawfurds, treeasurer, Robert and Mr. Andrew Ker, town clerks, James Glen, owner of the town mills, Henry Raithe, smith, John Robert, deacon of the weavers, John Lawrie, deacon of the smiths, Patrick Gibbiesone, deacon of the cordiners, and William Smith, litster, compearing for themselves and the other defenders, the Lords, after hearing parties, remit with their consent their differences and this complaint to James, Marquis of Hamilton, that he may try the same and take such order therewith as he shall find expedient; and both parties bind themselves to abide by his decision. Decreta, November 1633-April 1635. Fol. 122, b.

Supplication by Mr. Alexander Skene for protection that he may pay his son's debts.

Supplication by Mr. Alexander Skene, as follows:—Out of his natural affection to Mr. John Skene, his son, and being anxious to reclaim him from his follies, in the "hope that tyme and experience would have brought him to some greater conformitie and that by his vertew and industrie he sould have fred himselfe of his debt," the supplicant took upon him "the burden of some pittie debts wherein his sone had verie unworthilie ingadged himselfe." But his son has now left Fol. 123, a. the country without acquainting his father or "taking good nicht at him," and has taken with him a number of discharges for sums of money which the supplicant has paid for him, and left the supplicant to account with his creditors. This he cannot get done "upon a suddaine," although he will be most carefull to do so within a short time, and for this purpose he craves their Lordships' protection. The Lords, for "good and considerable respects knawin to thame," grant him this till Martinmas next.

Similar supplication by Fergus Grahame of Blatwood.

Supplication by Fergus Grahame of Blaatwod, as follows:—By virtue of their Lordships' protection, which now expires, he has given his principal creditor, the Earl of Annerdaill, satisfaction, and if their Lordships would prolong the time he would do the same to his remaining creditors. The Lords grant an extension till Martinmas next, but reserve power to recall this on the complaint of any party injured thereby, the supplicant being always cited to hearing thereof.

Supplication by the magistrates of Aberdeen for a licence to raise tolls for building a new causeway at Cowiemouth.

Supplication by the provost, bailies and council of the burgh of Aber- Fol. 123, b. dene, as follows:—The calseying in Cowiemont is now so worn and decayed that there will be no possibility of a passage that way in this approaching winter. They have done all they can for mending and upholding thereof, but the work is so great, and the many other burdens lying upon the burgh press them so hardly that it is not in their power to accomplish it. Yet no work in the kingdom is more important and necessary and if it be not timeously attended to, there will be no passage that way hereafter. The only way the supplicants can see for building and maintaining these calsays is by the imposition of a toll on all traffic, and they accordingly crave that their Lordships would grant a commission to them for nineteen years to uplift the following tolls, viz., 2d. from every foot passenger, 8d. from every horseman, 8d. from every horse load of goods of all kinds, 8d. from every ten sheep, 4d. from every cow

Decreta, November 1633-April 1635. Fol. 124, a.

or ox, and 2s. for every cart; and for collecting the same to authorise them to build a port at the most expedient part of the passage, and to close the same so that none shall have passage but such as pay the foresaid duty, with power to poind the goods of such as refuse to pay. The Lords, having personal knowledge of the urgency of the matter, and having also heard some of the barons and gentlemen of the north thereupon, and finding no other way of accomplishing the same, grant the commission as desired.

Sederunts, November 1629-January 1635. Fol. 125, a.

"The quhilk day the Advocat produced ane letter direct frome his Majestie to him for drawing up ane commissioun in favors of Sir Alexander Gordoun of Cluny for putting the acts of parliament in executioun aganis slayers of deir, rae, wylde foule and vennisoun, for quhilk purpose the Lords nominats and appoints the Erles of Wintoun, Kingorne, Annerdaill, Dumfreis, the Lords Bining and Naper, and Sir Archibald Achesoun, or anie three of thame to conveene and meit togidder and to deliberat upon the power and nature of the commissioun foresaid, what sall be the limits and bounds thereof and what exceptions and restrictions sall be made thereanent, and to report to the Counsell thair opinioun." Edinburgh, 17th July 1634. Anent the punishment of slayers of deer, roe, wild fowl, and venison.

Fol. 125, b.

"The Lords ordains his Majesteis Advocat to consider the signature anent the correctioun hous and to rectifie and amend what he sall find wrong or defective therein." The house of correction.

Decreta, November 1633-April 1635. Fol. 124, a.

Sederunt—Chancellor; Privy Seal; Marquis of Hamilton; Glasgow; Erroll; Wigtoun; Kingorne; Roxburgh; Annerdaill; Stirline; Southesk; Traquaire; Bishop of Ros; Bishop of Dumblane; Binning; Naper; Master of Elphinstoun; Secretary; Advocate; Sir James Baillie. Edinburgh, 22nd July 1634.

Complaint by William Andersone in Gartnavell, as follows:—On July last David Andersone of Byres came to the complainer as he was peaceably walking beside his own house in Gartnavell and suddenly "dang him to the ground" with a great rung, giving him "manie bauche, blae and bloodie stroks therewith" to the effusion of his blood, until he broke the rung upon him. Further, on October thereafter, the said David Andersone, Margaret Tassie, his mother, and Thomas Allane and Ninian Hamilton, her servitors, armed with "bandit stalves, swords, whingers" and other weapons, came by way of hamesucken to the complainer's house under cloud and silence of night, about 10 o'clock, when the whole family except himself were in bed, for the purpose of taking his life, for fear whereof the complainer was forced to go out quietly by a back door. Missing him, they "stogged the beds in the hous" and cut and spoiled a great part of his plenishing. The same night they convened thirty-two shearers and brought them to the complainer's lands in the Ward of Gartnavell, which he holds in tack and has laboured for several years past, and which he had well limed and Complaint by William Anderson in Gartnavell against David Anderson of Byres and others for hamesucken and assault.

Fol. 124, b.

sown, where they cut the whole crop and carried it off, extending to thirty-four bolls of oats. Charge having been given to the said David Andersone of Byres, Margaret Tassie, Thomas Allane and Ninian Hamiltoun, and the pursuer compearing and also David Andersone, the Lords, after hearing parties, assoilzie the said David from the first two points of the complaint, because the probation being referred to his oath of verity he swore that they were not true; and the Lords remit the other point thereof to the ordinary judge. Decreta, November 1633–April 1635. Fol. 124, b.

Supplication by Thomas Brown of Nethergate for the arrest of John Brown of Lochhill.

Supplication by Thomas Brown of Nethergait, as follows:—John Broun of Lochhill was due 300 merks by a bond to James Greirsone in Dumfreis, and the bond being registered and caption raised thereon, the said John was apprehended and was about to be placed in prison when the supplicant, at the desire of the said John Brown, gave his bond that he should either pay the sum or enter him in ward within the tolbooth of Edinburgh, where the said Thomas might arrest him. The said John was afterwards cited before their Lordships for his religion and committed to ward, and thereupon, to relieve him of his said bond, the supplicant took instruments of the said John's being in the foresaid ward, and made intimation thereof. The supplicant raised a suspension also before the Lords of Session, who have recommended to the Lords of Privy Council to consider whether or not they will release the rebel that the charges for his debt may have execution against him. Seeing the supplicant was never debtor to James Greir but only gave his bond for his being presented in ward, and seeing that Greir has now *paratam executionem* for arresting of the rebel in ward, the supplicant craves that their Lordships would declare it lawful that the said John Broun be arrested in ward by the said James Greir, so that the supplicant may be freed by the Lords of Session. The Lords grant the prayer of the petition. Fol. 125, a.

Complaint by John, Earl of Mar, against George Ogilvie of Fornathie and Sir John Ogilvie of Innerquharity.

Complaint by John, Earl of Mar, lord of the lordship of Cardrosse, as follows:—On 28th February, 1633, George Ogilvie of Fornathie and Sir John Ogilvie of Innerwharatie were put to the horn at his instance for not restoring to him the teind sheaves of the lands of Lyntrethen, which they had spulzied from him, or paying him the value thereof, and they pay no regard thereto, but go about as if they were obedient subjects. The pursuer compearing by Areskine of Pittrodie, his procurator, but the defenders not appearing, the Lords ordain them to be charged to render their houses and fortalices and also to enter themselves in ward within the Castle of Blacknes within six days after being charged under pain of treason. Fol. 125, b.

Complaint by John, Earl of Wigtown, against Thomas Porteous of Glenkirk and others whom

Complaint by John, Earl of Wigtoun, and Sir Thomas Hope of Craighall, King's Advocate, as follows:—The said Earl is tacksman of the teinds of the kirk of Glenholme in the parish thereof and sheriffdom of Peebles, and also of the lands of Glencocho, Glenkirk and Chappellgill, and has been in peaceable possession thereof for several years. This Fol. 126, a.

Decreta, November 1633–April 1635. Fol. 126, a.

yearon 5th July he sent his servants to teind these lands, when Thomas Porteous of Glenkirk and William Cosser in Chappellgill, armed with swords and lances and the prohibited pistolets, came to them after they had drawn the just teind of the lambs of the said land, and violently debarred them from taking away the same, which they had poinded and separated from the stock; and the said Thomas Porteous, being on horseback, having a pistol on one side and a sword on the other, maliciously struck William Patersone, one of the said Earl's servants, "maine tymes about the lugs and upon the head and face with a rode, boasting and threatning him" and the remainder of the Earl's servants of their lives "if they meddled with any teind there. Charge having been given to the said Thomas Porteous, and he and the said pursuers compearing this day, and they and their witnesses having been heard, the Lords find it proved that the said Thomas Porteous struck William Patersone with a rod, hindered the teinding of the lambs and hounded away the lambs teinded; and for this insolence, aggravated by being against a nobleman of good quality and one of his Majesty's councillors, they commit him to ward within the tolbooth of Edinburgh until they release him. But as touching the point of wearing firearms the Lords assoilzie him, as the witnesses failed to verify the same.

he accuses of assault on his servants when they were lifting the teinds of the complainer on certain of his lands.

Fol. 126, b.

Supplication by Mr. James Farquharsone, Writer to the Signet, as follows:—Upon the complaint of John Toshoche (*ante* p. 317) their Lordships ordained him to continue the payment of the modification formerly made to him and also to write to the Marquis of Huntlie either to pay this or consent to John Toshoche's release. The supplicant has written to the Marquis, and he utterly discharges him from paying the said modification since the day of his arraignment, and as to his release, the Marquis remits that to their Lordships. The supplicant therefore craves that he may be exonered of all further burden in this matter. The Lords agree that he be exonered of all further payment since the removal of the "Ladie Marques" from this town, and ordain John Toshoche to be detained as his Majesty's prisoner until his Majesty's pleasure concerning him be known. And they ordain a letter to be written to his Majesty of the state of this business and Huntly's refusal to pay since Toshoche appeared before the Justice.

Anent John Toshoche, prisoner in the Tolbooth, Edinburgh.

Sederunta, November 1629–January 1635. Fol. 125, b.

Fol. 126, a.

"The whilk day the Lordis, haveing hard the reporte maid be the committee appointit to considder of the pouer and extent of a commissione craved be Cluny Gordoun to be grantit to him aganis the slayaris of deir, rae, vennisone, hairis, and wyld foull, the Lordis recommendis to the committee to tak the mater to thair secund consideratione and to sett doun thair opinioun in articlis toucheing the pouer of the commissioun and with quhat exceptionis and restrictionis the same is fitting to be grantit."

Edinburgh, 22nd July 1634.

Anent a commission craved by Cluny Gordon.

Edinburgh 24th July 1634.

Sederunt—Treasurer; Privy Seal; Glasgow; Erroll; Kingorne; Wintoun; Wigtoun; Roxburgh; Annerdaill; Lauderdaill; Stirline; Southesk; Tracquair; Bishop of Dumblane; Lord Bining; Lord Naper; Clerk Register; Advocate; Sir Robert Gordoun; Sir James Baillie; Secretary. Acta, June 1634-April 1636. Fol. 13, b.

Sir Robert Gordon, vice-chamberlain of Scotland, admitted a member of Council.

"The whilk day the Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented unto thame, receaved and admitted Sir Robert Gordoun, knight baronnet, vice-chamberlane of Scotland, to be one of the Privie Counsell of this kingdome, and to injoy all digniteis, priviledges and prerogatives proper and dew to that place; lykeas the said Sir Robert, being personallie present and acknowledging with all dewtifull respect his Majesteis royall bountie and favour shawin unto him in preferring and advancing of him to this place of honnour, and [*sic*] he with all humble reverence upon his knees made and gave the oath of alledgeance and of a privie counseller. Followes his Majesteis missive for warrand of the act abonewrittin:— Fol. 14, a.

CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Understanding the habilities and affection to our service of our servant, Sir Robert Gordon, vice-chamberlane of that our kingdome, we ar pleased in regarde thairof and for his better encouradgement and enabling for our service to advance and promove him to be one of our Privie Counsell of that our kingdome. Thairfoir it is our pleasure that, having administred unto him the oath accustomed in the like caises, yow admitt him to be one of your nomber of our Privie Counsell there, for doing whairof these presents sall be sufficient warrand. We bid yow farewell. From our court at Wanstead, the 4 day of July, 1634."

Commission anent visiting his Majesty's wardrobe.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Johne Achinmowtie of Gosfuird and presented and exhibited before the saids Lords ane commissioun under the great seale of this kingdome made and grantit be the Kings Majestie to the Lord High Chanceller of this kingdome, the Archbishop of St. Andrewes, the Lords High Thesaurar and Privie Seale, the Marques of Hamilton, the Erles of Lauderdaill, Southesk, and Tracquair, the Bishop of Ros, the Clerk of Register and his Majesteis Advocat, or anie three of thame, for visiting his Majesteis wardrob, of whome the saids Lords Thesaurar and Privie Seale, the Erles of Roxburgh, Lauderdaill, Southesk and Tracquair, the Clerk Register and Advocat being present, accepted the commission upon thame. And the saids Lords gives power to his Majesteis Thesaurar to call unto him anie twa of the commissioners and to appoint tymes for visiting of the wardrob, conforme to the tennor of the said commissioun."

Anent the erection of the lordship of Torphichen.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne, Lord Torphichin, and produced his triply to his

Acta, June 1634-April 1636. Fol. 14, a.

Majesteis Advocats duply anent his erectioun; quhereupon his Majesteis said Advocat tooke instruments and declared that he would reasoun no farther anent this mater."

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne, Lord Torphichin, and reproduced before the saids Lords the twa presentations made to him and his predecessors of the lordship of St. Johne whiche wer delyvered formerlie be him to his Majesteis Advocat with seales of leade hanging thereat upon strings, quhilks the saids Lords remembred to be trew and his Majesteis said Advocat did acknowledge and quhilks presentations now want the saids seales, the same being lost by eating of beasts or otherwayes; in regarde whairof the saids Lords declares that the wanting of the saids seales sall be no derogation to the validitie of the saids presentations bot that the same sall have als great force and effect as when they had the seales hanging thereat the tyme of the first productioun." Anent the same.

Fol. 14, b.

"The quhilk day Sir Thomas Hope of Craighall, knight baronnet, compeirand personallie before the Lords of Privie Counsell, desired Johne, Lord Torphichin, who wes personallie present to declare (and accordinglie to produce) if he had any others writts quhilks might conduce for cleering of his erectioun nor he had alreadie produced; quhilk desire being heard and considderit be the saids Lords and they being therewith and with the ansuer made thereto be the said Lord Torphichin, alledging that the said desire wes satisfied in his reasons and defences alreadie givin in, weill advised, the Lords of Secreit Counsell continewes the advising of thair interloquutor anent the Advocats desire and Lord Torphichins ansuer made thereto, togidder with the advising of the haill reasons propouned *hinc inde* be either partie, till the sevintene day of September nixt, of quhilk continuatioun both the saids parteis, being personallie present, are warned *apud acta*." Anent the same.

Decreta, November 1633-April 1635. Fol. 127, a.

[Sederunt as recorded above.]

Edinburgh, 24th July 1634.

Complaint by Bessie Wright, widow of Duncan Buchannan of Cattir, as follows:—On May, 1628, John Grahame in Blaircesnocke, her son-in-law, came to her dwelling house in Cattir and earnestly dealt with her to open her "kist" and give him inspection of her charters. She refused, whereupon he threatened her with instant death and so compelled her for fear of her life to open her kist, when he "violentlie reft and tooke furthe thairof the whole evidents, letters and writts" within the same, including several bonds due by himself to her; also "all her jewells and what els wes in her said kist, thairafter violentlie thrust her and her dauchter to the doores, and dealt with all that was in the house, which he still keeps, to her heavy hurt and prejudice. Both pursuer and defender compearing, and they and certain witnesses having been heard, the Lords ordain the defender to exhibit the kist and all that was in it Complaint by Bessie Wright, widow of Duncan Buchanan of Cattir, against John Grahame in Blaircesnock for violently robbing her of certain documents.

before the Commissary of Stirline on 14th August next, and they order the said Commissary to open the kist in presence of both parties and deliver to either of them such writs, gear and furniture as they shall agree upon to belong to each other, the pursuer first finding caution to make whatever she shall receive forthcoming to parties interested for loosing of the arrestment made on the defender's hands [*sic*]; and such goods as both lay claim to shall be kept by the said Commissary, and he shall make an inventory thereof and report the same to the Council. Decreta, November 1633-April 1635. Fol. 127, b.

Complaint by Robert Dunbar of Burgie against James Gordon of Knockaspeck and William Gordon of Arradoull for defying the sentence of horning under which they lie at his instance.

Complaint by Robert Dumbar of Burgie, as follows:—On 20th and 21st July, 1631, James Gordon of Knockaspeck and William Gordon of Arradoull were put to the horn at his instance for not paying 6000 merks and expenses due by them, and they lie thereat unconcernedly. Charge having been given to the said William Gordon, and the pursuer compearing but not the defender, the Lords ordain that he and the keepers of his house of Arradoull be charged to deliver the same, and he himself to enter in ward within the Castle of Blacknes on six days' warning under the pain of treason. Fol. 128, a.

Complaint by John Henrie in Brydhauch against Thomas Smith at the Mill of Ryland and others for hamesucken and assault.

Complaint by John Henrie, sometime in Blacktoun and now in Brydhauche, as follows:—On 3rd April, 1633, Thomas Smyth at the Mill of Ryland, James Alexander in Murehill, and Henry Mers there, came by way of hamesucken to his dwelling house in Blacktoun, and entering therein put violent hands on the complainer and carried him captive with them for half a mile to the burn of Brydehauche, where "with swords and stalves they gave him manie bauch, blae and bloodie strokis upon the face and others parts of his bodie, to the effusion of his blood, and had not failed to have slaine him were not he wes happielie releived be some neighbours." Charge having been given to these persons named, as parties, and also to Mr. Thomas Mortimer in Brydhauche, John Din in Methel, Walter Walker in Ryland, Andrew Baxter, William Myill, James Merse, John Allan in Barrellmand, Andrew Eleis and Andrew Patersone as witnesses, and the pursuer compearing personally, but none of the defenders and witnesses, the Lords ordain the said defenders and witnesses to be put to the horn for their contempt.

Supplication for further protection by James Spence, merchant burgess in Edinburgh, that he may conclude certain legal business.

Supplication by James Spence, merchant burgess of Edinburgh, as follows:—There being some important accountings between him and William Thomesone, merchant, their Lordships granted their protection to him on 19th June last upon the condition that he should appear before them on the following Council day and nominate auditors. He accordingly attended at the Council house door each meeting day between then and 8th July, but their Lordships' other weighty affairs prevented his being heard. He then petitioned for an extension of his protection, but the said William, to frustrate this and also the accounting, has raised criminal letters against him, charging him to appear before the Justice to answer for "some forgit crymes." This compelled the supplicant to use an advocation to attend some hearings, which has diverted him from that diligence Fol. 128, b.

Decreta, November 1633-April 1635. Fol. 128, b.

which he would have bestowed on his accounts. Further, the said William detains from him an account book and some bonds, which he unwarrantably took out of a "dresser amrie" when the lands and houses called the Dameheid were entrusted to him. This account book is written by the said William Thomesone's own hand and was delivered by him to the supplicant, and there was a band whereby he obliged himself to answer for whatever should be found to be out of the said book. Without these the supplicant cannot get his accounts cleared, and he has therefore raised a summons at his own instance and that of his creditors against the said William before the Lords of Session. This being accessory to their Lordships' two protections, the Lords of Session have privileged him to come in upon six days' warning without "dyet, table or continowation." There are many particulars that occurred in their accounts in which the auditors will find great difficulty as to whether

Fol. 129, a.

they should be allowed or not; some will require the evidence of witnesses from the country, and in particular this one "that in Februar bygane a yeere, the said William ressaved a ship of fourescore tune loadned with butter and tallan at the herborie of Rowan to have been sauld be him as factor to the supplicant, the said William in his compt booke hes given up everie hundreth weight of the said butter and tallane to have beene sald at twentie twa franks and ten sousse, albeit the supplicant is able sufficientlie to prove, both by the merchants buyers of the goods at Ruan and by the depositions of diverse famous persons, that everie hundreth weight of the saids commodities were sauld at twentie twa franks." This must be proven in France by commission from the Lords of Session, and will take time, and he therefore craves the prorogation of his protection. Charge having been given to the said William Thomesone, and parties compearing on the 22nd of July, the Lords then granted protection to the supplicant till the 29th instant, provided that he appeared and brought with him the auditors of his accounts that their Lordships might know in whose default the delay had occurred. The said parties compearing again this day, together with John Fleeming and John Binning, two of the auditors nominated by their Lordships for hearing their accounts, and the Lords "understanding by report of the saids arbitrators that their heering and proceeding in cleering of the saids compts wes interrupted by the saids parties thair passionat, unrewlie, and disrespective behaviour aither to others in presence of the saids arbitrators," for avoiding the like and encouraging parties to proceed, ordain

Fol. 129, b.

the auditors to go on with the hearing, clearing and fitting of the said accounts; and they also ordain William Thomesone to deliver to the supplicant a just copy of the foresaid book. They prorogate the supplicant's protection until 1st September next, with power to any of the Council who shall then be present to extend it for such a further period as they shall judge expedient upon the declaration of the arbitrators that he is not wilfully delaying their proceedings. And further, they declare

that if either of the parties misbehave to the other in presence of the auditors, on the latters' complaint to any of the Council, or in their absence to the magistrates of Edinburgh, the offending party shall be committed to ward in the tolbooth of Edinburgh, and there remain until further order be taken for his punishment. Decreta, November 1633-April 1635. Fol. 129, b.

Complaint by Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr. William Falconer, her spouse, against her son, Alexander Gordon, and others for violence towards her tenants and damage done to her lands.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr. William Falconer of , now her spouse, for his interest, as follows:—In violation of the law prohibiting the wearing of hagbuts and pistols, Alexander Gordon, now of Dunkintie, son of "the said Margaret, after the deceasse of her husband," resolved to wreck his mother in her liferent lands, came on May last, accompanied by William Narne, his servant, James Gordoun of Letterfoure, Lachlan McQueine, his servant, Robert Gordon of Mayne, his brother, Adam Gordon in Ardquhish, James Ros in Gilmoresyde, John Hepburne, son of Alexander Hepburne, portioner of Innerlochtie, Finlay McInnariche and others of the lieges, to the number of , armed with swords, bows, darlochs, hagbuts, pistolets and other weapons, to the complainer's liferent lands of Kirktoun, and, entering within the house, locked the same, took the keys with them, and would not permit her to enter nor meddle with her beir and other provision which she had therein for maintaining of herself and her children, "and they goe ravagging up and doun the said lands threatning to make bullet bagges of the compleaners skinnes and her tenents if they preast to labour the same." Further, on the 13th of the said month, when the complainer sent William Leslie, her bailie, and Lawrence Troup, her clerk, to hold a court upon her said lands, the persons foresaid, armed as stated above, Fol. 130, a. threatened the tenants with death if they acknowledged the said court; and they sought for the said bailie and clerk, vowing to take their lives if they held any courts there in the complainer's name. Again, on the 23rd of the same month, the said Alexander Gordon, Adam Gordon, James Ros, Lachlan McQuein, William Narne and Finlay McNaroche, armed as above, came to the complainer's liferent lands of Kirkhill and razed to the ground the houses built thereupon. "And that same day the said Alexander brake ane rung upon Annas Gordon his sisters head and shot a pistolet at her and violentlie shot her and her sex brethren and sisters to the doore." Still further, on the 31st of the said month, the said Alexander and his foresaid accomplices, all armed as above, came to the complainer's liferent lands of Kirktoun and razed to the ground the whole houses, chambers, stables and all other buildings thereupon. And on 1st June instant these persons, armed with guns, pistols and other weapons, came to the complainer's lands of Caldcoits and violently took away the oxen of Robert Bairner, her tenant, when he was yoking them in the plough. They daily wear hagbuts and ride armed therewith in all parts of the country, threatening her tenants therewith so that her

Decreta, November 1633-April 1635. Fol. 130, a.

lands are cast waste. Charge having been given to the said Adam Gordon in Ardewhish and Lachlan McQuein, servitor to James Gordon of Letterfourie, and his Majesty's Advocate and Mr. William Falconer compearing, the latter also representing his wife, but the defenders not appearing, the Lords, after hearing the pursuers and their witnesses, find the complaint proven so far as regards the wearing of firearms, razing of

Fol. 130, b.

the houses and taking away of the goods libelled against Lachlan McQuein, and the same, with the exception of the razing of the houses, against Adam Gordon, whom therefore they ordain to be charged to enter into ward within the tolbooth of Edinburgh within fifteen days, when, if they disobey, they are to be put to the horn. And the Lords ordain £10 to be paid by Mr. William Falconer to each of the witnesses for their expenses.

Supplication by James Robertoun of Ernock and James Robertoun, fiar thereof, as follows:—"He hes ane earnest purpose to give all his creditors satisfaction be selling and disponing upon certane of his land," but dare not appear in public for proceeding therewith without their Lordships' protection, which accordingly he craves. The Lords grant this "to the said supplicant" until 8th January next.

Supplication by James Robertoun of Ernock and James Robertoun, fiar thereof, for protection to the said James.

"The lyke protectione grantit to James Mathesone for not payment to him of his fees untill the eight of Januar nixtocome."

Similar protection.

Fol. 131, a.

Supplication by Alexander Hamilton, son of Sir Alexander Hamilton of Lawfeill, as follows:—"He is resolved to take order with some cautioneries quhilks he underlyis for his father and also with his awne debts," if he could have time and opportunity to consult his lawyers. Moreover, he has some valuations to attend before the Commissioners for Surrenders and Teinds, and for these he craves a protection. The Lords grant him until 1st November next.

Similar supplication by Alexander Hamilton, son of Sir Alexander Hamilton of Lawfeild.

Sederunts, November 1629-January 1635. Fol. 126, a.

"Ane missive frome his Majestie in favors of the Lord Gray and Panmure anent the making of soape, ordaining thair signature to be exped with diligence, and reserving to Mr Nathaniel Udward the yeeres of his lease of making of soape if it be found that he hes not forefeyte his patent, otherwayes the same to be furthwith discharged; quhereupon, Mr Nathaniel Udward being callit and heard anent this mater, the Lords assignes unto him Tuisday nixt for giving in his reasons anent the expeding of the said patent."

Edinburgh, 24th July 1634. Anent Mr. Nathaniel Udward's patent for making soap.

Fol. 126, b.

"A missive frome his Majestie with some greevances inclosed therein anent the reformatioun of some abuses both in the Churche and Government within the Yles of Zetland, quhereanent ordains the Bishop of Orkney and William Dick, as schireff of Orkney, to be warned on Tuisday nixt."

Anent abuses in the Church in the Shetland Islands.

"The Lords appoints the first Counsell day in the vacance to be upon the xvij day of September nixt."

Next meeting of Council.

Edinburgh, 29th July 1634.

Sederunt—Chancellor; Treasurer; St. Andrewes; Privy Seal; Marquis of Hamilton; Bishop of Glasgow; Wintoun; Wigtoun; Kingorne; Roxburgh; Annerdaill; Lauderdaill; Dumfreis; Southesk; Stirline; Tracquair; Binning; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Naper; Secretary; Clerk Register; Advocate; Sir Robert Gordoun. Acta, June 1634-April 1636. Fol. 14, b.

Banishment of William Crawford for being art and part in stealing eight sheep.

"The whilk day Mr James Robertone, Justice Deput, compeirand personallie before the Lords of Privie Counsell, reported to the saids Lords that one Williame Craufurd, being conveenned before his Majesteis Justice anent some points of thift, he wes onelie convict of art and part of stealing of aucht sheepe; quhereupon the said Justice depute having consulted the saids Lords what doome he sould pronunce aganis the said Williame, and the saids Lords being weill and throughlie advised with the Justice depute his desire foresaid, they have ordained and ordains him to pronunce doome of banishement aganis the said Williame, and to take him actit never to returne agane within his Majesteis dominions under the pane of death."

Edinburgh, 29th July 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 131, a.

Supplication by John Dormont and Robert Smith in Previck that a commission be appointed to discover certain persons who have slaughtered sixty of the complainers' sheep.

Supplication by John Dormont and Robert Smith in Privick, tenants to James Chalmers of Gatgirth, and the said James Chalmers, their master, for his interest, as follows:—On May last certain persons within the bailiary of Kyle Stewart, unknown to the complainers, came to one of the said tenant's houses in Privick where he had sixty sheep, "and barbarouslie and crewelie sticked, gored and slew the said haill three score sheepe and left thame all deid. Quhilk being ane wicked and malicious barbaritie, whereof the lyke hes not bene hard," they crave their Lordships to grant a commission to John, Lord Lowdoun, and the bailie of Kyle Stewart for the discovery of the perpetrators by convening such persons before them as are suspected and given up in roll to them by the supplicants, and examining them thereupon. This the Lords grant, directing the said commissioners to take the depositions of such persons in writing and report these to their Lordships, and also to imprison any whom they may find guilty until the Council determine their punishment. Fol. 131, b.

Supplication by Mr. Adam Bothwell of Quhelpside for protection that he may settle his affairs.

Supplication by Mr. Adam Bothwell of Quhelpesyde, as follows:—His father has "now at the pleasure of God departed this lyffe," and, his estate having come to the supplicant as his heir, he is able to satisfy all his creditors, "and live honestlie upon his awne" if he had liberty to move about for settling his affairs. He therefore craves a protection. The Lords grant him this until the last day of November.

Protection to Alexander Bothwell of Newholme.

"The lyke protection granted [to] Alexander Bothwell of Newholme, his brother, for the lyke causes, dureing the space forsaid."

Acta June 1634-April 1636. Fol. 15, a.

Sederunt—Treasurer; Marquis of Hamilton; Glasgow; Erroll; Kingorne; Wintoun; Roxburgh; Annerdaill; Lauderdaill; Bishop of Ros; Bishop of Dumblane; Lord Areskine; Lord Binning; Lord Melvill; Lord Naper; Secretary; Clerk of Register; Advocate; Sir Robert Gordoun. Edinburgh, 31st July 1634.

David, Bishop of Edinburgh, admitted into the Council.

"The whilk day the Lords of Secreit Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented unto thame, receaved and admitted David, Bishop of Edinburgh,[1] to be one of the Privie Counsell of this kingdome, and to bruike and injoy all the honnours, digniteis, liberteis and priviledges proper and dew to that place; lykeas the said Bishop of Edinburgh, being personallie present and acknowledging with all dewtifull respect his Majesteis royall bountie and favour showin unto him in preferring and advancing him to this place of honnour and dignitie, he with all dew reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counseller. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow well. Understanding perfytelie the sufficiencie and abiliteis of the reverend father in God, the Bishop of Edinburgh, and his affection to our service, we ar heirby pleased for his further encouragement and enabling thereto to promove him to be one of our Privie Counsell of that kingdome. Thairfoir it is our pleasure and we doe heirby will and require yow to receave him as one of your nomber upon our said Counsell, and that yow take his oath as is accustomed in the like caises, for whiche these presents sall be your warrand. We bid yow farewell. Frome our mannor of Greenewiche, 13 May, 1634."

Letter from his Majesty sanctioning a proposal by Colonel Robert Monro to erect an hospital for soldiers who return disabled from the wars.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Colonell Robert Monro and produced and exhibite before the saids Lords the missive letter underwrittin, signed be the Kings Majestie and direct to the saids Lords, togidder with some articles enclosed therein anent the erecting of ane hospitall for enterteaning of aged and lame souldiours in maner specefeit and conteanit in the saids letter and articles; of the whiche the tennour followes:—CHARLES R. —Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and
Fol. 15, b. trustie and weilbelovit counsellers, we greit yow weill. Whereas Colonell Robert Monro hes caused represent unto us that diverse of our poore subjects, who have done good service in the warres abroad, doe ordinarlie ather become old or lame, whereby they ar unprofitable for further service and consequentlie burdennable to strangers and no credite

[1] David Lindsay, second bishop of Edinburgh. It was in his presence that the famous riot took place in the Church of St. Giles on the first reading of Laud's Liturgy, July 23, 1637.

to our other subjects there, for remedie and helpe of whiche persons he hath proposed that diverse of these whome it hes pleased God to blesse with preferment and meanes in those warres ar willing to give a voluntarie contribution for erecting of ane hospitall within that our kingdome for thair use and dedicating some yeerelie allowance thereunto besides what will accresse unto thame by the bountie of the prince in whois service they wer imployed or by thair paction with him otherwayes, according as may more fullie appeare by the inclosed informatioun. To whiche purpose the said Colonell, being willing to undergoe great panes for settling that bussines upon conditions expressed in the informatioun (whiche seeme to be faire and reasonable), hath beene a suter unto us for his more warrantable proceeding therein to be authorized by our letters patents under our great seale; wherein his intentioun being verie commendable and the purpose worthie of dew respect and consideration, we have heirby thought fitt to recommend to yow seriouslie to consider of the information and of the most convenient way for authorizing him by letters patent or by what commissioun and warrand yow thinke fitt and necessarie and as may best agree with his demands in the information, and to that effect that yow give order to our Advocat for drawing up thairof, whiche we require may be furthwith exped under our caschett and great seale there, that the gentleman (of whois good cariage and service abroad we have beene pleased to take particular notice) be not putt to further trouble or charge tuicheing the passing thairof; for whiche these presents sall be unto yow and our officers whome it doeth particularlie concerne sufficient warrand. So we bid yow farewell. From our mannour at Greenewiche, the 4th day of May, 1634. Followes the informatiouns:— Acta June 1634-April 1636. Fol. 15, b.

Colonell Robert Monro his Informatione to his Majesteis honorable Privie Counsell of Scotland for giving instruction to thame of his Majesteis letter grantit in his favors to the Counsell for the weale of his Majesteis subjects abroad become old and lame in the warres to be amplified and putt in forme as Mr James Philpe thinks most expedient.

Suggestions connected with the above proposal for which Colonel Monro desires the sanction of the Council.

First, thair honnorable wisdomes hes to consider that in respect there ar manie worthie cavalleirs of our nation serving the crowne of Sweden as colonellis, lieutennents colonells, majors, captans, and sindrie other inferiour officers, who be thair good cariage hes atteanned unto great credite and reasonable meanes, and certane others ar become old and unable to serve in the warres, in consideratioun whairof for the weale of suche persons unabled and for the credite of our nation the said Colonell Robert Monro, according to his Majesteis directioun, desyres the Lords of the Counsell to give thair applause to his Majesteis warrand in granting commissioun and letters patent under the greate seale to the said Colonell Fol. 16, a.

Acta, June 1634-April 1636. Fol. 16, a.

Robert Monro for gathering ane voluntarie contribution abrod frome the saids officers of our natioun whome God hes in a measure blessed for erecting ane hospitall within the kingdome of Scotland for mainteaning of suche officers and souldiours, lame and decayed in the warres, for the credite of our natioun, and the said contributioun as could be had to be keeped be the English companie at Hamburgh till twa yeeres wer past that it wer fullie collected, upon the said Colonells fidelitie to his Majesteis Privie Counsell and the cavalleirs that contributs and thereafter to be imployed be advice of the Counsell and suche others colonellis of the nation as the Counsell thinkes fitting to make choice of to that effect to bring the worke to pas.

Secundo, the said Colonell being muche affected for the weale of his countriemen, lame and become old in the warres abrod, does signifie unto his Majesteis most honnorable Counsell that it is particularlie at all tymes capitulat betuix the crowne of Sweden and all colonellis and officers of our natioun that incaise ather officer or souldiour become lame in that service that than and in that caise the crowne of Sweden is obliged that the said lame person, officer or souldiour, sall have ane honorable pension during his lyfetyme in Sweden or in thair options being desirous to retire to thair countreis sall be honnorable rewarded and sent home; as alsua that suche colonellis or officers as dees in thair service having wife and childrein sould be honnorablie rewarded after thair husbands deceasse; whiche both is altogidder neglected for fault of solliciting the Director of the Warres. Thairfoir the said colonell for the weale of suche persons desires most humbelie the Lords of his Majesteis Privie Counsell to grant unto him thair warrant for solliciting of suche bussines, as also the Counsellis favorable letter to His Excellence the Director of the Warres for fordering the same in most ample and convenient maner as they thinke most fitting, for the weale of the distressed subjects groning abrode for want that ar burdensome to strangers and small credite to thair awne natioun.

Thridlie, the said Colonell desires of his Majesteis Privie Counsell to consider what great leveyes hes gone out of Scotland thir ten yeers bygane and what great moneyes hes beene givin for arming the souldiours,
Fol. 16, b. as also what skarsetie of armes is within our countrie incaise of forrane invasioun; quhilks moneyes givin for armes could have beene weill bestowed within the kingdome; thairfoir the said Colonell in recompence of his good affectioun and intentiouns for the weale of his countrie and gaine to the subjects that strangers does gett, desires ane lease of three yeeres to him, his airis and assigneyes, for making of picks, corsletts and musketts within the kingdome to be sold be him or his foresaids chaper as they can be brought frome anie other parts to the effect that suche armes as beis made and cannot be sold may be keeped as the countreis magezene within the said hospitall to be erected, God willing.

Last of all the said Colonell desires of his Majesteis Privie Counsell that the governement of the said hospitall and rents thairof sall apperteane to the said Colonell during his lyfetyme and thereafter to anie qualified officer that hes served sevin yeeres abroad that his Majesteis honnorable Counsell thinkes most fitting to undergoe the charge. Acta, June 1634-April 1636. Fol. 16, b.

Quhilk missive with the informatiouns foresaids being read, heard and considderit be the saids Lords and they advised therewith, the saids Lords nominats and appoints Archibald, Lord Naper, Adame, Bishop of Dumblane, Sir Archibald Achesone, Secretar, and Sir Robert Gordon to meit the morne at eight of the clocke in the morning heereanent and to confer with him and to report to the saids Lords thair opinioun."

Act ordaining a fine of one hundred marks for the selling of tobacco without licence from the commissioners appointed to grant such licence. See *ante*, p. 271.

"Forsamekle as the Kings Majestie, with advice of the Lords of his Secreit Counsell, having by ane former act and proclamation of the dait, the fourteene day of Junij last, established ane order anent the sale of tobacco and for preventing the abusses and inconveniencies heeretofore occasiouned throw the ungoverned sale and immoderat use of the same, by the whilk it wes stratelie prohibite and forbiddin that nane of his Majesteis subjects sould presoome nor take upon hand after the fyftene day of September now approacheing to sell or utter tobacco in small or by retaile within this kingdome bot suche and so manie as sall be licenced thereunto be Sir James Leslie and Thomas Dalmahoy, his Majesteis commissioners, unto whome and to thair airs, executours and assigneyes for the space of seven yeeres his Majestie hes givin the full and absolute power and auctoritie to treate, article and transact with suche and so manie persons as they upon examinatioun sall finde fitt to be licenced to sell or utter tobacco by small or retaile upon suche conditions, fynes, rents or soumes of money to be thairfoir payed to his Majesteis use, as they sall agree upon, under the pane of confiscatien of the said tobacco, besides suche arbitrarie pane as the saids Lords of Privie Counsell sall appoint; and whereas this pane and punishment appointed be the said former act and proclamatioun is verie uncertane and may breed mater of cavill betuix his Majesteis commissioners and the transgressors of the said proclamatioun, thairfoir his Majestie, with advice of the saids Lords, for eshewing all mater of cavill, and to the intent the delinquents may know what danger they ar to incurre by thair contempt of his Majesteis royall will and pleasure heerin, hes modified, appointed and sett doun the soume of ane hundreth merkes as a penaltie to be incurred be everie person or persons, *toties quoties*, who sall contraveene the said proclamatioun and without licence of our saids commissioners presoome to sell or utter tobacco by small or retaile or by the unce, pund or other proportion under and within ane stone weight, the one halfe of the said pane to belong to the informer and the other halfe to the saids commissioners, and that by and attour the confiscatioun of the tobacco whiche sall be deprehended in the possessioun of the partie contraveenner and seller of tobacco in retaile without licence had thereto, as is abonementiouned. And Fol. 17, a.

Acta, June 1634-April 1636. Fol. 17, a.

ordains letters to be direct to make publication heirof be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, quherethrow nane pretend ignorance of the same. Followes his Majesteis missive for warrand of the act abonewrittin :—

Letter from his Majesty containing the warrant for the above act.

CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trusty and right weilbelovit cousines and counsellers, right trustie and trusty and weilbelovit counsellers, we greit yow weill. Whereas by our former letter tuicheing the ordering of the sale of tobacco we signified our royall pleasure unto yow for establishing ane effectuall order that none within that our kingdome sould presoome to sell and utter the same by small and retaile bot suche as sall be thereunto licenced by our commissioners appointed for that purpose, under pane of our high displeasure and suche penaltie as yow sall thinke fitt to impose upon the transgressors, to the effect that all mater of cavill may be takin away and that the delinquents may know what danger they ar to incurre by thair contempt, our pleasure is that in the letters of publicatioun heirof yow caus expresse als weill what is meant by small and retaile (to witt, the unce, pound or other proportion under a stone weight) as the liquidat soume that yow sall thinke condignlie to be inflicted *toties quoties* by way of penaltie upon the contemners of our royall will and pleasure heerin, the one halfe thereof to belong to the informer, the other halfe to our commissioners. Wherein expecting your care we bid yow farewell. From our court at Bearercastell, the 25 day of July, 1634."

Fol. 17, b.

Protection for a year granted to Sir Alexander Hume, son of Sir George Hume of Manderston, in order that he may settle his affairs.

"Anent the supplication presented to the Lords of Secreit Counsell be Sir Alexander Home, sonne to Sir George Hume of Manderston, makand mention, forsamekle as the Lords of Secreit Counsell, having by ane former act and according to his Majesteis direction sent unto thame givin to the said supplicant thair warrand for securing of his person and the better enabling of him to attend and settle his effaires and bussines in the kingdome, his Majestie hes beene graciouslie pleased sensyne upon the same considerable grounds by his letter directed to the saids Lords in the said supplicant his favors to recommend unto thame the passing and expeding of a new protection unto him, or a prorogation of his former protection for the space of a yeere, in regarde that his caise in a singular maner deserves his Majesteis commiseration, the said supplicant being his Majesteis owne domestick servant; humbelie desyring thairfoir the saids Lords to prorogat his former warrand or to grant unto him a new warrand for some certane space, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords, and they having lykewayes read, heard and considderit his Majesteis missive letter direct unto thame in this mater, and being therewith weill advised, the saids Lords, in humble obedience of his Majesteis missive letter foresaid, hes givin and grantit and be the tennor heirof gives and grants thair warrand to the said Sir Alexander to haunt, frequent and repaire to and fra in the countrie at his pleasure,

for the better attending and settling of his effaires and bussines and to be untroubled, arrested or warded be vertew of whatsomever letters of horning and captioun or other warrand whatsomever raised or to be raised aganis him for civill causes during the space of ane yeere nixt after the expyring of the former warrand grantit unto him, quhilk expires upon the last day of September nixt; dischargeing in the meanetyme all shireffs, stewarts, bailleis of regaliteis and thair deputs, provests and bailleis of burrowes, and all others judges, officers and magistrats to burgh and land, and als all messengers of armes of all taking, apprehending, warding or arreisting of the said supplicant be vertew of anie hornings, captions or other warrand whatsomever during the said space of ane yeere nixt after the expyring of the former warrand foresaid grantit unto him, discharging, etc. Followes his Majesteis missive for warrand of the act abonewrittin :—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellours, right trustie and weilbelovit and trustie and weilbelovit counsellors, we greit yow weill. Whereas we have at diverse tymes signified our pleasure unto yow for restraint of frequent granting of protections, especiallie by two letters of late, the one in favors of our free royall burrowes, the other in favors of Williame Dick, merchant, whairof we ar not unmyndefull, yitt we, having formerlie upon most just considerations grantit unto our trustie and weilbelovit servant, Sir Alexander Hume, knight, a protection for some tyme now expired, whiche for the same reasons and in regarde that his caise in a singular maner deserveth our commiseratioun, especiallie he being our owne domestick servant, we have now thought fitt to renew and prorogat unto him for the space of one yeere; our pleasure is that you caus immediatlie exped the same under our great seale notwithstanding anie of these letters before mentiouned or anie other directioun to the contrare, for whiche these presents sall be your warrand. We bid yow farewell. Frome our mannour of Greenewiche, the tenth day of June, 1634."

Acta, June 1634-April 1636. Fol. 17, b.

Letter from his Majesty containing the warrant for the above protection.

Fol. 18, a.

Edinburgh, 31st July 1634.

[Sederunt as recorded above.]

Decreta November 1633-December 1635. Fol. 132a.

Supplication by Mr. Peter Kennowie of Ketlestoun anent his dispute with the magistrates of Linlithgow.

See *ante*, p. 320.

Supplication by Mr. Peter Kennowie of Ketleston, as follows :—He recently complained to their Lordships of a grievous wrong done to him by the provost, bailies and others of Linlithgow, which their Lordships, with consent of parties, remitted to the decision of the Marquis of Hamilton. The Marquis not being then present in Council, both parties went to him and entreated him to take the matter upon him, promising to abide by his decision. He desired them each to choose two gentlemen to go and view the place and take all pains possible for settling their differences and then report to him so that he might the more easily determine what should be done, whereupon the town of Linlithgow

Decreta, November 1633-April 1635. Fol. 132, a.

made choice of William Drummond of Ricardtoun and Thomas Dalzell of the Bines, and the supplicant chose Archibald Campbell, brother of the Laird of Lawers, and Robert Drummond of Medope. These gentlemen met on Thursday last upon the ground and heard both parties at length, and the supplicant is informed that they have since made report thereof to the Marquis, and that he has also, after having the matter debated before him, declared what he would have them do to each other in this matter. But his party designs putting off until the time of year come that his grass and corns will be exposed to the overflowing of the water, and he craves that their Lordships would hear the report of the Marquis of Hamilton and interpone their authority therein. The Lords having heard the said report find that the Marquis "hes honorablie and respectivelie behaved himselfe in the trying and ordering of the bussines committed unto him," and approve the same; and they hereby ordain in terms thereof that the provost and bailies of Linlithgow shall "caus carie and transport the stones libellit and to repone and lay the same upon the hauche heid of the said compleaner his ground," or as many stones of as large a size as were taken away. And they further ordain William Drummond of Ricarttoun and Robert Drummond of Medope to see this done, and also to consider and set down a sure course whereby the complainer's lands may be secured against the violence of the water in time coming, and see the same executed.

Fol. 132, b.

Supplication by Sir Patrick M'Kie of Larg for licence to levy a toll on horses and cattle which pass over the water of Comnewar, over which he undertakes to construct a bridge and causeway if the said license be granted.

Supplication by Sir Patrick M'Kie of Larg, as follows:—There was a bridge twice built upon the Water of Comnewar within the diocese of Galloway, which is a common highway from both Scotland and England to Ireland, and many people making this journey have perished in this water. It has caused the country people great expense to build a bridge twice "with a calsey of a quarter of ane myle in lenthe throw ane depth plow mosse leading thairto," and both bridge and calsey are now so worn by the traffic that unless they are presently repaired they will go to ruin. Both bridge and calsey are upon supplicant's ground and he will repair and maintain them if their Lordships will authorise the imposition of a small duty upon every "horse and nolt caried in droves betwene Scotland, Ingland and Ireland and passing be the said brig." The Lords, understanding also from the relation of some of their own number the necessity of what is craved, grant a commission to the said Sir Patrick M'Kie of Larg to uplift the sum of six pennies Scots of every horse and nolt carried in droves as above for five years from this date, the same to be applied for the repairing of the said bridge and calsey, with power to appoint deputes for the collection of the said toll. And the Lords ordain Sir Patrick to report to them his outlay and diligence in the work before the expiry of three years so that, if necessary, the term of his said commission may be extended.

Fol. 133, a.

Supplication by Thomas M'Clennar of

Supplication by Thomas M'Clennar of Collenie, and William Maxwell, Constable of the Traive, steward depute of Kirkcudbright, as follows:—

Collenie and William Maxwell, Constable of the Thrieve, as to the sentence they should pass on John Clerk in the Carse of New Abbey who is convicted of stealing a lamb.

John Clerk in the Cars of New Abbey, being accused to them as guilty of several acts of theft, they, in the duty of their office, "caused arrest the said John to thair court haldin at Carlinwake" on 3rd instant, where he very willingly entered on panel. Being put to the knowledge of an assize, all admitted by himself, he was acquitted on three points of his indictment, but found guilty of the last, which was the taking of a lamb from the lands of Culluchane in the year 1623. This being so mean a point and of so little importance the supplicants could not determine what punishment to inflict and so crave the direction of their Lordships herein. The Lords considering that the said crime falls under his Majesty's general pardon, direct the supplicants to take the said John acted in the Stewart court books of Kirkcudbright not to commit the like crime in time coming under the pain of death. Decreta, November 1633-April 1635. Fol. 133, a. Fol. 133, b.

Supplication by David, Bishop of Edinburgh, anent the stent rolls of the abbacies of Holyrood and New Abbey in connection with the taxation.

Supplication by David, Bishop of Edinburgh, as follows:—In the Parliament held at Edinburgh in June, 1633, the Estates granted a taxation of 10s. upon the pound land to be paid at certain prescribed terms to the Lords of Session, and for the relief of prelates, lords of erection and others it was ordained that they should convene their vassals, feuars, tacksmen, pensioners and others obliged for their relief at certain places on 14th September last for the preparation of a stent roll. This day is long since past, but at that time there was no person provided to the abbacies of Halyrudhous and Newabey, which are annexed to the supplicant's bishopric, and so none could lawfully convene the said vassals and others. Now the supplicant has been provided to the said bishopric and he is burdened with the payment of the said taxation. The 13th of August next is also appointed to the prelates and other beneficed persons for convening their vassals, etc., and setting down a stent roll for the first term of the taxation granted to the King, and the supplicant craves that their Lordships would empower him to make up the roll for the taxation to the Lords of Session at the same time. The Lords grant what is desired. Fol. 134, a.

Supplication by Lauder of Bass and his mother, Lady Bass, for protection that they may set their affairs in order.

Supplication by Lawder of Bas and Isabel Hepburne, Lady Bas, his mother, as follows:—"They have susteaned verie great miserie, necessitie and want thir diverse yeeres bygane, and they are brought to that low estate that nather have they the means to enterteane thair naturall lyffe nor to cover thair personis from the cold and tempestuous winter; and if they might attend thair affaires in the countrey they are [in] good hope and they have verie probable possibilities to recover so muche of thair decayed and wrecked estate as would furnishe thame with meet and clothing dureing the course of thair naturall lyffe." Their Lordships granted them a protection with the provision that they would deliver to James Levingstoun, gentleman of his Majesty's Bedchamber, such writs of the lands he bought from them as are in their hands, and "they have bene verie solist and carefull to have given him

Decreta, November 1633-April 1635. Fol. 134, b.

contentment thairin, bot the time hes beene so short and thair necessities so pressed thame as they could not have occasion to do anie thing bot to forsie how and where they might get some means to enterteanie and preserve thair personis from hunger and cald." They crave that the Lords would prorogate their protection till Whitsunday next, and they promise that meanwhile they will do their diligence to recover all writs in their own hands, or which they know to be in the hands of others concerning James Levingstoun. The Lords extend their protection until 1st November next on condition that the supplicants deliver up all such writs as they have of the lands of Beill upon their oath before 31st August next, otherwise this protection shall then become void.

Sederunts, November 1629-January 1635. Fol. 127, a.

"The quhilk day Johne, Erle of Annerdaill, undertooke to make payment to Thomas Bell, prisouner in the tolbuith, of the soume of iiij ℔. daylie from this day furth till the nixt Counsell day upon the xvij of September." Edinburgh, 31st July 1634. John, Earl of Annandale, and Thomas Bell, prisoner in the Tolbooth.

Acts, June 1634-April 1636. Fol. 18, a.

Sederunt—Treasurer; Marquis of Hamiltoun; Annerdaill; Lauderdaill; Stirline; Southesk; Bining; Bishop of Dumblane; Naper; Secretary; Clerk of Register; Advocate. Edinburgh, 1st August 1634.

"Anent the supplicatioun presented to the Lords of Secreit Counsell be the maisters of coalehewes and saltpanns within this kingdome, makand mentioun that where the prohibitioun made be the saids Lords of the receaving of dollers for the price of thair coale and salt hes brought a verie great hurt and prejudice upon thame, and the continuance of this prohibitioun some short space will undoe thair whole workes both for coale and salt, for the countrie dispatche of coale and salt will not in a yeere hold one of thair water works going, and there is no other money currant nor to be had abrod nor in this kingdome bot dollers, and the supplicants refuisall to receave makes thame to sell thair coale and salt upon trust, quhilk hes of tymes failled thame and made thame to come short of thair hope and expectatioun, sua that thair workes will necessarlie be cassin up becaus few of the supplicants ar able to hold thame fordwards, thair weekelie debursements being so great and the payment of thair workemen being so important and necessar as the neglect of ane moneths payment will undoe thair whole workes without hope or possibilitie of recoverie; and this prohibitioun strikes aganis none of the kingdome bot the supplicants, altho there be manie others whois trade and imployment is farre beyond thairs, and who interteanes thair trade both outward and inward most with dollers: Humbelie desyring thairfoir the saids Lords to take suche course and order heerin as no furder burdein nor prohibitioun be layed upon thame nor is layed upon the rest of the subjects of this kingdome. Thairfoir the saids Lords hes givin and grantit and be the tennor heirof gives and grants thair warrand and licence to the saids supplicants to receave dollers for thair coale and Licence to coal and salt owners to receive foreign dollars for their coal and salt till the next meeting of Council.

Fol. 18, b.

salt in tyme comming untill the first Counsell day of November nixto-come, notwithstanding of the prohibition and discharge made in the contrare, quhereanent and all that may follow thereupon the saids Lords dispenses till the said first Counsell day of November nixt." Acta, June 1634-April 1636. Fol. 18, b.

Edinburgh, 1st August 1634.

[Sederunt as recorded above, adding "Ros."]

Decreta, November 1633-April 1635. Fol. 134, b.

Complaint by Mr. William Clogie, minister at Inverness, and the magistrates of that burgh, against John Reid for assault on the said William, and against others who were abettors of the said John Reid.

Complaint by Mr. William Clogie, minister at Innernes, and the provost and bailies of the burgh of Innernes for their interest, as follows:—Though the pursuit and invasion of ministers for the lawful discharge of their office has been very strictly prohibited by an act of the late Parliament, yet John Rid, son of William Rid, burgess of Innernes, having conceived a hatred and malice against the said minister because he reproved his vicious life and conversation, has resolved to take his life. Learning that the said Mr. William was on 2nd July last walking upon the bridge of the said burgh about nine o'clock at night, the said John came to the bridge and twice or thrice passed the minister as if afraid to do anything, till in the end "he turned and fell out in manie opprobrious and disgracefull speeches aganis the minister, and first with his sword he entendit to have slaine him bot the minister be Gods providence having gottin in within the lenthe of the sword so as the said John could not get it drawin, he then made to his whinger, resolved to have slaine the minister thairwith if some of the neighbours of the toun had not happielie comed by and stayed him, halding him till the minister wane home to his hous." Information of this being conveyed to Duncan Forbes, provost of Innernes, he convened the bailies and officers of the burgh, who after advising went to the dwelling house of John Rid to apprehend him; but found that in the consciousness of his guilt he had fled from his "ludgeinghous" and taken refuge in the dwelling house of Andrew Fraser, Commissary of Innernes, where he was "resett and keept quiet." They then went to the stable where John Rid's horse was and arreisted it until the said John Rid should either compear personally or find caution to abide his trial; "bot this Andro Frisell, haveing nather regarde to the wrong done to his pastor nor respect to the auctoritie wherewith his Majestie had armed the Magistrats," went to the close where the said horse was arreisted, accompanied by Donald Fraser in Keirmyllis, Francis Duff, John Dumbar of Hemprigs, William Cudbert, William Stevinstoun, John Dow Druman, James Duffe and others, armed with swords and staves, and "in ane most barbarous forme the said Donald priest up the stable doore, tooke out the horse, and montit the said Johne Dumbar upon him, who all in ane tumultuous forme came to the calsey calling to sic who durst clame that horse." The provost and bailies, then "drawing neere to setle the tumult, commandit that this horse sould stay till he were takin away by a legall course. Bot the said Donald, being covetous of blood, made ane great preisse among the people, drawing his sword Fol. 135, a

Decreta, November 1633-April 1635. Fo. 135, a.

and sweering by the eternall God that he sould putt the sword throw the provest his backe and bellie; and if he had not beene haldin he [had] not failled to have beene the caus of great bloodshed that day, bot the provest for eshewing of trowble retired himselfe. And the said commissar and his complices, triumphing as it were, tooke the horse with thame to the port from whence the said John Dumbar wes directed backe to the said commissar his hous and tooke this Johne Rid out at ane backe doore, and convoyed him where the horse wes and delyverit the horse to him, who monting himselfe thairon, he and the said commissar went on thair jorney from Innernes to Edinburgh where they keept companie till the day of thair compeirance before the saids Lords drew neir." Charge having been given to the said Donald Fraser in Keirmyllis, William Cudbert, William Stevinsone, Andrew Fraser, John Rid, John Dumbar, and Francis Duff, and they all compearing with the exception of John Rid, and the said Mr. William Clogie and Duncan Forbes, provost of Innernes, appearing for themselves and the remanent pursuers, the Lords, after hearing parties and their witnesses, find that John Rid "invadit
Fol. 135, b. and threatned the said Mr William Clogie, minister, shoring to have put a sword throw him, and that he preist first to have drawin his sword and then his whinger, bot wes stayed be some persons," for which insolence they ordain him to be charged at the dwelling house of Laurence Cudbert in Innernes, "where the said John commonlie haunts and uses to ludge," and by open proclamation at the market cross of Innernes, to enter himself in ward within the tolbooth of Edinburgh within fifteen days, which if he disobey, he is to be put to the horn and escheated. Further, the Lords find that the said Donald Frisell "threatned the said Duncane Forbes, provest, with his sword and a whinger, shoring to cleive his heid to his teeth, and to thrust his sword throw him, and that he had not failed to have invadit and persewed him if he had not beene stayed; as also that he assisted the takeing of the key out of the stablers hand and takeing the horse furthe of the stable." Further, they find "that the said John Dumbar assisted the takeing of the horse out of the stable and that he monted himselfe thairon and raid away with the horse," notwithstanding the arrestment thereof; and for these misdemeanours they ordain Donald Frisell to be imprisoned in the tolbooth of Edinburgh upon his own charges till 17th
Fol. 136, a. September next, and John Dumbar to be imprisoned therein till Monday next and farther until he enact himselfe not to trouble the said burgh hereafter, under the penalty of 1000 merks. The Lords assoilzie the remaining defenders as nothing was proven against them.

Complaint by Mr. Lawrence M'Gill, advocate, sheriff-depute of Edinburgh, against Euphemia

Complaint by Mr. Laurence McGill, advocate, sheriff-depute of Edinburgh, as follows:—On 9th April last Duncan Richie, messenger, charged him to apprehend and imprison Euphame Wachop in Wester Dudingstoun against whom letters of caption had been raised by John Forsyth, chirurgeon in the Cannogait. Accordingly on the 16th of that

Wauchope and others in Duddingston for deforceing him in the discharge of his office.

month he went thither to execute the charge, not expecting that "in this happie tyme of peace" any one would oppose his Majesty's officer in the execution of his duty "within ane myle to the residence of the Privie Counsell and Session. Yet Alexander Broun, officer in Wester Dudingstoun, John Kirkpatrick there, and David Kirkpatrick, miller at Dudingstoun, with convocation of the lieges, came to the complainer while he was making search at Eupham Wauchop's house, and without respect to the law or reverence to him "who hes beene these manie yeeres shireff deput and verie famous in that charge, they shamefullie rayled upon him with disgracefull and contumelious speeches, saying he wes over pert or anie McGill in Scotland to come and seek anie persone in these bounds. And the said Alexander Broun threatned to pull out his beard and trade him under foote." Charge having been given to these persons and the pursuer compearing, but not the defenders, the Lords ordain them to be put to the horn and escheated for their contempt. Decreta, November 1633-April 1635. Fol. 136, a. Fol. 136, b.

Complaint by Mr. Alexander Innes, minister at Rothiemay, against Lady Rothiemay for contempt of the horning under which she lies at the complainer's instance.

Complaint by Mr. Alexander Innes, minister at the kirk of Rothemay, as follows:—On 21st January last Katharine Forbes, widow of William Gordon of Rothemay, was put to the horn at his instance for not paying to him the teinds, victual, vicarages and prices thereof for the years 1629, 1630, 1631 and 1632; and she was again put to the horn at his instance on 20th June last for not delivering to him certain "threavis of aitts and beir." She proudly remains at the horn, and "in regarde of her birth and freindship in these bounds thinks her selfe secure and able to stand out." Charge having been given to the said Lady Rothemay, and the pursuer compearing but not her ladyship, the Lords ordain charge to be issued against her for the rendering of her house of , and entering herself in ward within the Castle of Blacknes within fifteen days under the pain of treason, which is to be executed upon her without favour if she disobey. Fol. 137, a.

Complaint by Sir William Douglas of Cashogill against his creditors who have warded him in the Tolbooth, and will neither maintain him nor consent to his liberation that he may sell his lands and pay his debts.

Complaint by Sir William Dowglas of Cashogill, as follows:—He is warded in the tolbooth of Edinburgh at the instance of Mr. George Dowglas of Penzearie for not flitting and removing from the lands of Cashogill and Thristane; also of Andrew Dalrumple, wright, and Isobel Ramsay, his spouse, as cautioner for William Frenche of Frencheland, in the sum of 600 merks and £60 of penalty; and of Elizabeth Johnstoun, widow of Matthew Poole, Robert Poole, her son, and Mr. Thomas Ramsay, now her spouse, for non-payment to them of 2000 merks of principal and 200 merks of penalty as cautioner for the Tutor of Johnstoun and Robert Johnstoun, his eldest son; and further at the instance of John Menzies of Castlehill for not warranting him in the sum of 2225 merks. He is like to starve for want of entertainment in ward, as he has nothing to live upon, his rents having been all arreisted by his creditors; and yet if he had leisure and opportunity to sell his lands he could satisfy them all. Charge having been given to these persons to compear and consent

Decreta, November 1633-April 1635. Fol. 137, a.

either to a maintenance or to the complainer's release so that he may sell his lands, and the pursuer compearing personally, but of the defenders only Isobel Ramsay, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to liberate the pursuer, who has granted an

Fol. 137, b.

ample commission to William, Earl of Dumfreis, Sir John Charters of Amisfeild, Sir John Murray of Ravilrig and Robert Crichtoun of Ryhill for selling his lands and satisfying his creditors, he signing it judicially in presence of their Lordships and binding himself to compear before the Council on the last Council day of July next to underlie their censure if before that time he has not satisfied his creditors.

Complaint by the farmers of his Majesty's customs and John Simson, messenger, against William Williamson in Kirkcaldy for assaulting the said messenger in discharging his office.

Complaint by the farmers of his Majesty's customs and John Simson, messenger in Dysert, as follows:—William Williamsone in Kirkaldie lately laded a ship with coals but refused to give up a true note thereof, whereupon the said farmers employed the said messenger to charge him to do so, and in case of his disobedience to arreist his ship. On July last the said messenger performed the duty entrusted to him, whereat the said William Williamsone took great offence and accompanied by John Rany in he lay in wait for the messenger after he had arreisted the ship, set upon him, and gave him "fourtie or fiftie straiks upon the head and others parts of his bodie to the effusion of his blood, rave the blasoune from his breist and as yitt keepes the same, reft the letters of caption from him and rave the same in peeces, uttering manie disgracefull speeches aganis the messenger his office and calling."

Fol. 138, a.

The pursuers compearing by John Fleeming, customar, but the defender not appearing, the Lords ordain the said William Williamsoun to be put to the horn and escheated for his contempt.

Complaint by Sir Alexander Nisbet of that Ilk and John Home of Renton, commissioners for the small barons and freeholders of the sheriffdom of Berwick against Sir John Home of Blackadder and others anent their expenses as commissioners.

Complaint by Sir Alexander Nisbet of that Ilk and John Home of Rentoun, commissioners for the small barons and freeholders of the sheriffdom of Berwick, to the late Parliament, as follows:—They have charged Sir John Home of Blacader, James Cockburne of Rysla, George Affleck of Cumledge and John Wilkie of Foulden to meet at the town of Dunce and to make a distribution of the sum of 300 merks which the Lords of Privy Council modified to each of the complainers for their expenses, and also of the cost of their footmantles, each of which was £359 8s., among the said small barons and freeholders, so that each may know what he has to pay; but upon some frivolous excuses they have purchased a suspension of this charge. The case being called before their Lordships in June last, "some compeired," alleging that they had warrant from the said Sir Alexander and declaring that he passed from his part of said expenses and footmantle, whereupon their Lordships ordained the letters to have execution only in favour of the Laird of Renton. Now Sir Alexander gave no such warrant to any one to act thus for him, so that the Council have been abused and he wronged. Charge having been given to the said Sir John Hume of Blacader, James Cockburne of Rysla, John Wilkie of Foulden and John Achinleeke of

Cumlidge, and the pursuers compearing by Mr. John Sandelands, their procurator, but none of the defenders, the Lords find the letters raised by the pursuers against the defenders orderly, and ordains them to be put to further execution. Decreta, November 1633-April 1635. Fol. 138, a.

Complaint by John Logan, merchant burgess of Edinburgh, against Robert Logan, his brother, for refusing to pay the complainer's expenses to the jailer of the Canongate Tolbooth.

Complaint by John Logane, merchant burgess of Edinburgh, as follows:—After a year and a half's imprisonment in the tolbooth of the Cannogait in great misery, he procured a decree from the Lords of Session in March last for his liberation, upon his paying to John and James Davidson, jailors in the Cannogait, "suche compts and furnishings as they had furnished and advanced unto him in his great necessities dureing his imprisonment, quhilk James Polwart, indweller in the Cannogait, tooke in hand to doe in name of Robert Logane, merchant burgess of Edinburgh, the compleaners brother." But as they still refrain from entering into count and reckoning with the said jailors, he is being kept in miserable captivity till he starve. On 10th July last he procured a decree against the said Robert for payment of this debt to the jailors, as he has uplifted all the complainer's means; but the said Robert and James Polwart in his name desired him, for avoiding the payment of the said jailors, to break his ward and go out of the country, promising that he should not want money. Charge having been given to the said Robert Logane and James Polwart, and both they and the pursuer compearing, the Lords, after hearing parties, ordain the said Robert Logane to pay to the jailors what is due to them by the pursuer during his imprisonment in terms of the decree of the Lords of Session of 10th July last. Fol. 138, b.

Disallowance of process against Robert Alexander, Admiral-depute in Fife, on the ground that his pursuer did not appear to prosecute.

This day compeared Robert Alexander, Admiral depute in Fyffe, and presenting a summons against him at the instance of Mr. John Dairsie, burgess of Anstruther Wester, whereby he was charged to produce the said Mr. John before their Lordships and liberate him from the tolbooth of Anstruther, and also to answer for his illegal apprehension of him, protested that seeing Mr. John Dairsie had not compeared to prosecute, and that he was ready to have answered to the complaint, no further process should be allowed herein until he be charged of new and his expenses paid. Which protestation the Lords admitted. Fol. 139, a.

Complaint by James Rodger and Alexander Smart, tenants to his Majesty in the lands of Balbrekie, against Robert Durie in Easter Newton and others for interfering with the complainers in procuring fuel from ground to which they had the right.

Complaint by James Rodger and Alexander Smart, tenants to his Majesty in the lands of Balbrekie, as follows:—On July last Robert Durie of Easter Newtoun, Andrew Durie, apparent of Wester Newtoun, and George Melvill and George Craig in Wester Newtoun, came to the said lands of Balbrekie and to the Threiplands between the Tritoun and Balbrekie where the said tenants and their servants had won "darges of faill, fewell and divvet for thair winter elding," as they had been accustomed to do past memory of man, and with spades and other instruments they cut and destroyed the said fuel, carried away the same upon carts, threatened and menaced his Majesty's said tenants and their servants and herds, and hounded their goods off the said lands, and they

Decreta, November 1633-April 1635. Fol. 139, a.

daily hound and drive away their goods and molest their said servants whereby the complainers "ar verie dissabled to pay the dewties of the lands." Charge having been given to the persons complained upon, and James Rodger compearing for himself and the said James Smal [*sic*] and Robert Durie appearing for himself and for Andrew Durie with John Fol. 139, b. Dunlop, advocate, their procurator, and George Melvill and George Craig not compearing, the Lords, having heard parties, find that the said Robert Durie has done a great wrong "in cutting and carying away of the saids turreffs, faill and dovetts after the same wes wone, brought and land [*sic*] upon his Majesties proper land," seeing he could not deny that the pursuers were there in use to win their fuel. They therefore continuing the pursuers in possession of their right of winning their fuel upon the said lands of Balbrekie and Threepland, as they have been in use to do, ordain the defenders to lead back the turfs, etc., and discharge them from further molestation of the pursuers until it be decided before the judge ordinary to whom the said right appertains, under the penalty of 500 merks. And the Lords direct George Melvill and George Craig to be put to the horn and escheated for their contempt.

Complaint by Elspeth Mason and Mr. Gabriel Rankine, her spouse, against John Maxwell of Castlemilk, and Robert Grierson in Barjarge, for defying the sentence of horning under which they lie at their instance.

Complaint by Elspet Maisson, lawful daughter of the deceased William Maisson, merchant burgess of Edinburgh, and Mr. Gabriel Rankine, now her spouse, as follows:—On 26th January last John Maxwell of Castlemilk and Robert Greirsone in Barjarge were put to the horn at their instance for not paying to them 500 merks of principal, with 25 merks as one term's interest, £50 of expenses, and other termly interests; but Fol. 140, a. they take no regard of the said horning. The pursuers compearing by Thomas Maxwell, their procurator, but the defenders not compearing, the Lords ordain them to be charged to render their houses of Castlemilk and Barjarge and enter their persons in ward in the Castle of Blacknes within six days after the charge under the pain of treason.

Supplication by Robert Stewart of Balleachan and others that letters of lawburrows may be delivered against Angus M'Donald Vic Eane Dowie Vic Allester in Glencoe and others.

Supplication by Robert Stewart of Balleachane, Neill Stewart of Graniech, James Stewart of Falscastle, Alexander Stewart of Hurrad, Neill Stewart of Boespick, John Stewart of Bonsked, John Stewart of Sheithglasse, Neill Stewart of Curradmoore, John Stewart of Innervat, John Stewart of Drumwhen, John Stewart of Kinniewhan, James Stewart in Drumcastle, Patrick Stewart in Kinloch, John Stewart of Innerchaddane, Alaster Stewart in Temper, John Stewart of Over Lareis, John Stewart of Drumtawlie, John Stewart of Fandinats, Patrick Stewart of Drumwhen, William Stewart of Crastcur, Isobel Stewart, widow of Donald M'Kenzie of Delmor, Duncan M'Kenzie, her son, John M'Kenzie, son of Allan M'Kenzie of Allanquoche Beg, James and John M'Kenzie, his lawful sons, and Thomas M'Kenzie, his natural son, Alexander M'Kenzie in Braichlouchter, John Stewart of Drumarchen, Donald Stewart, his brother, and Robert Stewart, son to the said John, as follows:—Upon very just grounds for the safety of their lives they have raised letters of lawburrows against Angus M'Donald VicEane Dowie

VicAllester in Glenco, John Gaer McAllaster Roy there, Allane McEan Mor VicEane Dowie VicAlaster there, and a number of other "dissorderit and brokin lymmars, some of the Clangregour and some of other clannis, all for the most part dwelling in Glenco," but they can get no officer who will venture to go to the place where these people dwell, "the most part having no dwelling place at all." They crave that their Lordships would authorise the service of the summons to be at the head burghs of the sheriffdoms in which they dwell; and this the Lords grant, admitting the same to be as lawful as if it had been at their dwelling houses. Decreta, November 1633-April 1635. Fol. 140, a. Fol. 140, b.

Supplication by Robert Lamert, indweller in Kinghorn, now a prisoner in the Tolbooth of Edinburgh for being art and part in the slaughter of Thomas Dow in Lochgellie.

Supplication by Robert Lamert, indweller in Kingorne, as follows:—He is in ward in the tolbooth of Edinburgh on the charge of "being airt and part of the slauchter of Thomas Dow in Lochgellie," and has been there now for a year in great misery, having nothing wherewith to sustain himself "bot suche as he ressave by the purse and crying furth of the yronhous." He has now upon production of letters of slains obtained a remission, which has passed the privy seal, but therein in respect of his poverty he can proceed no further so long as he is in prison. He therefore craves their Lordships' order for his enlargement. The Lords ordain the provost and bailies of Edinburgh to release him.

Supplication by John Livingstone, merchant burgess of Edinburgh, for protection that he may satisfy his creditors.

Supplication by John Levingston, merchant burgess of Edinburgh, as follows:—Their Lordships know that as cautioner for the Earl of Linlithgow, Donypace, Banton, Andrew Levingstoun, brother to Banton, and others, his friends, he is so distressed that he dare not go about "for suitting his releiff and disponing of his estate to these to whome he stands cautioner." In the short time granted to him he has satisfied Andrew Russell and Mr. William Arthure of 6000 merks, and he hopes to satisfy the rest if he had a little further time. This he craves; and the Lords grant him till 1st January next.

Similar protection to John Hamilton, minister at Blair.

"The lyke prorogation grantit to Mr John Hamiltoun, minister at Blair, till the 4 of November nixt."

Anent Patrick Halket, prisoner in the Tolbooth of Edinburgh.

"The Lords ordains Mr David Aittoun, who wes personallie present, to advance to Patrik Halket his allowance weekelie with certificatioun to him if he failyie the Lords will ordaine the said Patrik to be putt to libertie and to remaine within the burgh of Edinburgh conforme to the first decreit." Sederunts, November 1629-January 1635. Fol. 127, b.

Anent the grievances of the Shetlanders.

"The Lords ordains the Bishops of Glasgow, Ros and Orkney, the Secretar and Sir Robert Gordoun, to meit upon the greevances of Zetland the morne and to report to the Counsell upon Moonday; lykeas the saids greevances wer givin up to William Dick to be advised be the Bishop of Orkney and him."

Edinburgh, 4th August 1634.

Sederunt—Treasurer; Privy Seal; Marquis of Hamiltoun; Glasgow; Erroll; Kingorne; Roxburgh; Annerdaill; Dumfreis; Stirline; Tracquair; Bishop of Edinburgh; Bishop of Ros; Lord Bining; Lord Melvill; Lord Naper; Secretary; Advocate; Sir Robert Gordoun. Acta, June 1634-April 1636. Fol. 18, b.

Acts, June 1634-April 1636. Fol. 18, b.

License to Colonel Monro to collect contributions from military officers for the purpose of erecting an hospital for soldiers disabled in the wars. See *ante*, p. 333.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Sir Archibald Achesone, Secretar, and reported to the saids Lords the overtures propouned be Colonell Robert Monro for a voluntarie contributioun to be collected towards the erecting of ane hospitall for the maintenance and helpe of old and lame souldiours; whiche, being read, heard and considderit be the saids Lords, they ordaine his Majesteis Advocat to draw up ane commission giving power to the said Colonell for collecting of the said voluntarie contributioun abrod frome all colonells and officers of this natioun as will vouchesafe anie meanes that way; and for the better ordering and assurance of the moneyes that sall be collected to be made furthcummund to the intendit use the saids Lords ordains the Colonell to have ane booke, the leaves quherof sall be marked be the Clerk of Counsell wherein he sall insert the particular soumes and names of the whole persons that sall contribute in that earand, and that he act himselfe to insert the same trewlie and faithfullie

Fol. 19, a.

and to make report to the Clerk of Counsell yeerelie what soumes he hes receaved, to the effect the same may be delyvered to suche persons as the toun of Edinburgh sall appoint to receave it to be convoyed hither and imployed to the destinat use. And the saids Lords reserves to thameselffes the choice and appointment of the place wherein the hospitall sall be erected. Lykeas the saids Lords for a recompence and in retribution of the Colonell his panes and travells to be takin in this bussines for the good and credite of the kingdome declares, nominats and appoints the said Colonell to be maister of the said hospitall and to have the rule and governement of the same and of the rents thairof for his lyfetyme, reserving power to thameselffes after his deceasse to make choise of some qualified officer who hes served sevin yeeres abroad whome the Lords sall thinke most fitting to undergoe and to be entrusted with the charge of the hospitall. And forder the saids Lords gives libertie and licence to the said Colonell, his airis and assigneyes, to make pick, musket and corslett for the service and strenth of the countrie and to sell and dispone thereupon for thair best advantage; and for that effect to imbring strangers for working of the same, provyding alwayes, lykeas it is heirby declared, that this grant and licence sall not be prejudiciall to the free royall burrowes nor exclusive of thame to intend the like mysterie of making of armes whenever they sall be pleased to undertake the same."

Decreta November 1633-April 1635. Fol. 141, a.

[Sederunt as recorded above.]

Edinburgh, 4th August 1634.

Supplication by Alexander Law, bailie, and William Williamsone, late bailie of Kirkaldie, as follows:—By a decree of the Court of High Commission they were ordained to come before one of their ministers when required before 17th September thereafter and make confession of their fault to David Bennet in calling him a false knave. They have not yet

Supplication by Alexander Law, bailie, and William Williamson, late bailie of Kirkcaldy, anent a false

bond which has been forged against him by David Bennet.

been required to do so, but being informed that he had forged the hand-writing of John Hygyes in Dysert in a false band, they raised action and obtained decreet for exhibition of the said band before the Session. They were, however, required by the Lords of Privy Council "to improve the said band" before 1st June next, which they are unable to do, as John Hygyes has fled the country with connivance of the said David Bennett, and he has purchased suspension of the decreet. All they can do is to use their diligence for discussing thereof before 1st June or else to obey the decreet of the High Commission, if it be found that they ought so to do. They crave that their Lordships will give command for extracting the decree in the matter foresaid, or else stay the extracting thereof till they are heard of new. The Lords ordain the supplicants to obey the decreet of the High Commission before the 20th instant, as they will answer upon their obedience.

Decreta, November 1633-April 1635. Fol. 141, a.

Supplication by James Crichton of Frendraught for a commission to apprehend lawless persons who commit acts of robbery and violence on the supplicant's lands.

Supplication by James Crichton of Frendraucht, as follows:—Their Lordships know what heirships have been committed upon the complainer and his tenants by lawless and broken Highlandmen for some years past so that his lands have been cast waste, as tenants will not run the hazard of dwelling thereupon, being so often spoiled of their goods and their lives threatened; and now seeing that owing to the apparent scarcity this year the Highlands are likely to be wholly cast loose, and that already the broken limmars are become desperate and insolent, and are beginning to go about in bands, and other masterless men are going about singly and robbing the poor simple people, he craves that their Lordships would grant a commission to him and such as shall accompany him to search for, and apprehend all broken, lawless and masterless vagabonds within his own bounds and all such persons as are criminally at the horn for the crimes of theft, murder and other crimes committed upon the supplicant and his tenants, and present them before the sheriff or before his Majesty's Justice General and his deputes. The Lords grant the commission desired, and empower those concerned in its execution and while doing so to carry hagbuts and pistols for their own defence and better capture of these criminals.

Fol. 141, b.

Supplication by Jean Forbes, spouse of John Leith of Harthill, that she may be put in possession of the house of Harthill, of which she had been deprived for a crime committed by her said spouse.

Supplication by Jean Forbes, spouse of John Leith of Harthill, as follows:—Her husband is in prison in great misery and their house of Harthill has been taken from them both by Thomas Cromby of Kemnay, sheriff principal of Aberdene, by their Lordships' command. They are in great extremity and misery for want of a dwelling house, not knowing where to go, and she therefore craves that the Lords would ordain the house of Harthill to be restored to her. The Lords, in respect that the said John Leith is now imprisoned in the tolbooth of Edinburgh, which purges the cause for which the said house was rendered, ordain the said sheriff to deliver the keys of the said house to the supplicant so that she may peaceably dwell therein and provide her against the winter for fire.

Fol. 142, a.

Decreta November 1633-April 1635. Fol. 142, a.

Complaint by Mr. James Watsone, portioner of Sauchtoun, as follows: —On the 9th, 13th August, 1633, Sir John Blacader of Tulliallane was put to the horn at the instance of John, Earl of Carrik, for non-payment to him of a yearly annual rent of 7000 merks and 400 merks of expenses for each term's failure; and on 24th December last the said Sir John was again put to the horn by the said Earl for not paying to him 3500 merks for the Martinmas term's payment of the said annuity for the year 1633 with 400 merks of penalty for that term's failure. To these sums the complainer has been constituted assignee by deed dated 1st March last and registered in the Books of Council and Session, and he has raised caption thereupon against the said Sir John, which, however, he despises. The complainer accordingly craves letters of treason against him. The pursuer compearing, but not the said Sir John Blacader; and John Rind and Patrick Wood, merchant burgesses of Edinburgh, compeared with Mr. Robert Bruce, advocate, their procurator, who submitted that the letters of treason for rendering of the house of Tulliallane could not be granted as they were in possession thereof by virtue of a charge of treason executed against the said Sir John at the instance of Mr. David Falconer, brother of Sir Alexander Falconer, apparent of Halkertoun, for debt due to him, which he had assigned to them; and for removing of all suspicion of collusion betwesn them and the said Sir John, they enacted themselves judicially in their Lordships' presence that they would remove the said Sir John Blacader and his wife and children from the said house before 17th September next and hold them furth thereof during the said Sir John's rebellion. For this cause the Lords forbear granting letters at the complainer's instance for charging the defender to render his house of Tulliallane, but they ordain him to be charged to enter into ward within the Castle of Blacknes within six days after the charge on pain of treason.

Complaint by Mr. James Watson, portioner of Saughton, against Sir John Blackadder of Tulliallan, against whom he craves letters of treason.

Fo. 142, b.

Complaint by James Aikman, merchant burgess of Edinburgh, as follows:—On 17th April last John Stewart of Coldinghame and Margaret Home, his spouse, were put to the horn at the complainer's instance for not paying him £8135 of principal and £1000 of expenses and interest; but the said John Stewart contemptuously remains at the horn. Charge having been given to him and his said spouse, and they not compearing, but the pursuer appearing by , his spouse, the Lords ordain the defenders to be charged to render their house of Coldinghame, and enter themselves in ward within the Castle of Blacknes within six days after being charged under the pain of treason.

Fol. 143, a.

Complaint by James Aikman, merchant burgess of Edinburgh, against John Stewart of Coldingham and his spouse, for contempt of horning under which they lie at his instance.

Supplication by Charles Murray of Banhowrie, as follows.—He was put to the horn at the instance of Paul Reddick of Barneshein for not removing from the lands of Barnehourie, and on just grounds he raised suspension thereof. Towards the end of the session, however, while his suspension was being discussed, the said Paul, conscious of the weakness of his cause, went quietly home, pursued the supplicant's wife and

Supplication by Charles Murray of Banhowrie anent a dispute between him and Paul Redick of Barneshein.

servants for their lives, and violently reft away his goods and bestial off his lands, before any sentence was given in the action of suspension. Suspension having been granted because of the non-production of the original horning, etc., on 31st July last, it is very probable that some trouble and breach of the peace will arise in the approaching harvest as to the reaping of the corns of the said lands. He therefore craves that their Lordships would grant commission to Lancie Murray, bailie to the Laird of Cokpole, who is brother-in-law to the said Paul, to reap the corns of these lands of Barnehowrie this present year and stack them in some neutral place upon the charges of the said crop until it be determined by the judge ordinary to whom it appertains. The Lords grant the commission as craved to the said Lancie Murray and discharge both the parties from meddling therewith under all highest pain that may follow.

Decreta, November 1633-April 1635. Fol. 143, a.

Fol. 143, b.

Edinburgh, 4th August 1634.

Commission to Cluny Gordon anent the slaying of deer etc.

"The quhilk day the Advocat exhibite before the Counsell a signature drawin up be him by warrand frome his Majestie and according to the articles agreed upon be the Lords for a commissioun to Cluny Gordoun for putting the acts of Parliament to executioun aganis the slayers of deir, rae, wylde foule, haires and others in ane unlawfull maner; whiche being read and heard by the Lords they allowed thairof and past and subscryved the same."

Sederunts November 1629-January 1635. Fol. 127, b.

Anent the differences between the provost and minister of Inverness and Donald Fraser.

"The Lords recommends to the Bishops of Glasgow and Ros and the Secretar to travell betuix the provest and minister of Innernes and Donnald Fraser for reconciling thame and removing of their differences, and to report thair proceedings to the Counsell upon Thursday nixt."

Edinburgh, 6th August 1634.

[No record of sederunt.]

Decreta, November 1633-April 1635. Fol. 143, b.

Anent the same.

This day in presence of Patrick, Archbishop of Glasgow, and Sir Robert Gordon, knight baronet, two of the Lords of Privy Council, to whom their Lordships gave warrant for the purpose, there compeared Duncan Forbes, provost of Innernes, for himself and the burgh of Innernes, on the one part, and Donald Fraser in Keirmyllis on the other part, and submitted the further satisfaction to be made by the said Donald to the provost, bailies and Council of Innernes, for his insolence to them (see *ante* p. 342) in addition to the imprisonment he has endured within the tolbooth of Edinburgh from 31st July last till this day, to the decision of John, Bishop of Moray, whom the Lords ordain to report his procedure herein upon the first Council day of November next.

Edinburgh, 22nd August 1634.

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Roxburgh; Stirline; Tracquair; Clerk Register; Advocate.

Acta, June 1634-April 1636. Fol. 19, a.

Warrant under the great seal for Colonel

"The whilk day the signature underwrittin drawin up be his Majesteis Advocat at the command and directioun of his Majesteis letter and of a

Acts, June 1634-April 1636. Fol. 19, a.

warrand direct to the Lords of his Majesteis Privie Counsell anent the erecting and building of ane hospitall within this kingdome for sustentatioun and supplee of these souldiours who ar or sall become unable to serve in the warres, and whereby Colonell Robert Monro is nominat and authorized to be collector and ingadderer of suche soumes of money as the colonells, majors and others officers serving in the warres sall be pleased out of thair bountie and liberalitie to bestow for that use, wes presented to the Lords of Secreit Counsell and read in thair audience and wes allowed and subscryved be thame and ordained to be past and exped the great seale in maner specefeit in the said signature; of the quhilk signature the tennor followes:—'Our Soverane Lord, out of his gracious and royall disposition, care and affectioun to the weale of the subjects and natives of all his Majesteis kingdomes and dominions, being ever readie to hearken to all suche overtures and motions as may tend to the advancement, helpe and benefite of suche of thame as ar distrest and brought to necessitie for the good and credite of the natioun; and being informed be his Majesteis lovitt Colonell Robert Monro for himselfe and in name of the rest of the colonellis, captans, lieutennents and others officers of the Scotish natioun who hes served in the warres with forrane princes, and speciallie under the crowne of Sueden, that ane good nomber of his Majesteis subjects who hes done good service in the warres abrod does in end ather be age or inabilitie through mutilation or dismembring become unprofitable for the warres and burdensome to strangers, quhilk betyme may carie some imputation and discredite to the natioun if remeid and helpe be not putt thereto; and therewithall, it being represented to his Majestie be the said Colonell Robert Monro that manie worthie persons of this nation following the crowne of Sueden, who be thair valour and courage hes atteanned to great credite, and whome it hes pleased God to blesse with preferment and reasonable meanes, and willing to give ane voluntarie contributioun for erecting of ane hospitall within his Majesteis kingdome of Scotland for thair use and dedicating some yeerelie allowance thereunto, besides what will accresce unto thame be the bountie and liberalitie of the princes whome they have served or sall happin to serve heerafter, and for doing thairof did supplicat his Majestie to have his Majesteis warrand, power and auctoritie to that effect; and his Majestie out of his gracious and royall dispositioun being most willing to furder and advance all suche pious intentiouns and warkes did by his Majesteis letter direct to the Lord of his Majesteis Counsell of Scotland recommend the consideratioun of the said purpose and motioun with the cautions, provisions and conditions necessarie for bringing the samine to perfectioun. According to whilk the Lords of his Majesteis Secreit Counsell having heard and considderit the propositions made be the said Colonell Robert Monro they have agreed and condescended with the said Colonell Robert Monro according to certane articles sett doun and

Robert Monro to erect an hospital for soldiers disabled in foreign wars. See *ante*, p. 349.

Fol. 19, b.

exprest in the act made be the saids Lords of Secreit Counsell of the dait the fourth day of August instant, and his Majestie being most willing that the said laudable pious purpose and intentioun be advanced, followed furth and prosecute to the end; thairfoir his Majestie with advice of the Lords of Secreit Counsell ordains ane letter to be exped under his Majesteis great seale givand, grantand and committand, lykeas his Majestie with consent foresaid gives, grants and committs full power and libertie to the colonellis, majors, captans, lieutennents and others officers of the natives of this kingdome who hes served or sall happin to serve abrod in forrane warres under forrane princes, and speciallie, but prejudice of the generalitie foresaid, to these who hes served or sall serve in the warres under the crowne of Sueden, to build, construct and erect within this kingdome of Scotland (according to the articles, cautions and provisions agreed upon and exprest in the act of Secreit Counsell of the dait, the fourth of August instant) ane hospitall for supplee, maintenance and interteanement of suche of his Majesteis subjects who hes served or sall serve in the warres abrod under forrane princes and who hes alreadie or sall hereafter become unable for forder service be age or inabilitie be reason of wounds or mutilatioun or other hurts and damages receaved in the warres and having ane passe and testimoniall of thair lawfull mission. And to the effect that suche soumes of money as the saids colonells, majors, captans, lieutennents and others officers whome God hes advanced with meanes in thair services in the saids warres or others whatsomever of thair bountie and liberalitie ar willing to advance and contribute for edifeing, construing and erecting of the said hospitall and furnishing of meanes and maintenance to the saids aged, lamed and mutilat souldiours, may be collected and ingaddered, his Majestie with consent of the saids Lords of his Majesteis Secreit Counsell hes nominat, authorized, made and constitute the said Colonell Robert Monro to be collector and ingadderer thairof, and hes trusted him upon his oath and honnour with the ingaddering and collectioun thairof, according to the tennour of the said act of Counsell and conditiouns thereof therein conteanit; and to that effect hes delyvered to him ane booke conteaning 88 leaves all marked be the clerk of Counsell within the quhilk booke everie person who sall make ane contributioun for the said pious warke sall write and insert his name with the soume quhilk he contributs and subscryve the same with his hand, according to the quhilks booke, subscriptions and contributions therein to be conteanned, the said Colonell Robert Monro sall be comptable to the Lords of his Majesteis Secreit Counsell for the soumes to be contribute to the said pious warke, and for this end sall be obleist yeerelie to exhibite the said booke to the Clerk of Counsell with the soumes of money and persons whois names sall be insert therein to the effect the samine may be delyvered to suche person as the provest, bailleis and counsell of Edinburgh sall appoint to receave the same,

Acta, June 1634-April 1636. Fol. 19, b. Fol. 20, a. Fol. 20, b.

Acts, June 1634-April 1636. Fol. 20, b.

whom his Majestie and the Lords of Secreit Counsell hes trusted and burdenned therewith to the effect that the saids soumes being receaved and convoyed into Scotland may be imployed to the building and erecting of the said hospitall and furnishing of maintenance to the saids aged and decrepit souldiours according to the tennour of the said act of Counsell. And his Majestie willis and grants that thir presents sall be ane sufficient warrand to the writter and keeper of the great seale for writting and appending the great seale heerunto without passing of other registers and seales. Givin at Edinburgh, the twentie twa day of August, 1634. *Sic subscribitur*, Morton; Hadinton; Hamilton; Roxburgh; Sterline; Traquaire; J. Hay; S. Thomas Hop. Followes the docket:— Please your Lordships of Secreit Counsell, These (drawin up be his Majesteis letter direct to your Lordships) conteanes ane gift to be past his Majesteis cashett and great seale granting power and libertie to all colonells, majors, captans, lieutennents and others officers of the natives of this kingdome who hes served or sall serve in forrane warres under forrane princes, and speciallie these who hes served under the crowne of Sueden, to erect and build ane hospitall within this kingdome for sustentation and supplee of these souldiours who ar or sall become unable to serve in the saids warres, according to the conditions specefeit in ane act of Counsell of the dait the fourth of August, 1634; and names and authorizes Colonell Robert Monro upon his oath and honnour to be collector and ingadderer of suche soumes of money as the saids colonellis, majors, and others officers sall be pleased of thair bountie and liberalitie to bestow, and beares ane delyverie of ane booke conteaning so manie leaves marked be the Clerk of Counsell, within the quhilk booke everie person contributer sall insert his name and soume and subscryve the same, according to the quhilk booke the said Colonell Robert Monro is to be comptable to your Lordships, and to that effect is to exhibite the said booke with the moneyes insert in the said booke yeerelie to your Lordships clerk of Counsell to the effect the same may be delyvered to suche persons as the provest, baillies and counsell of Edinburgh sall appoint to receave the same, whome his Majestie and your Lordships burdeins therewith, to the effect the same may be imployed to the use and effect foresaid— S. Thomas Hop."

Fol. 21, a.

"The whilk day in presence of the Lords of Secreit Counsell compeired personallie Colonell Robert Monro and actit and obleist himselfe upon his faith, honnour and credite to doe his best endeavoure and diligence towards the collecting and ingaddering of suche soumes of money as the colonells, majors and others officers in this natioun serving in the warres sall be pleased to vouchesafe for erecting and maintenance of ane hospitall towards the helpe and supplee of old and lame souldiours, and that the whole soumes of money so to be advanced and delyvered to him be the saids colonells and others officers foresaids sall be trewlie delyvered to suche persons as the toun of Edinburgh sall appoint to be convoyed

Obligation by Colonel Monro to fulfil the conditions of the above warrant.

hither and destinat to the use foresaid. And whereas by ane act of Counsell of the fourth of August instant the said colonell is ordained to have ane booke (the leaves whairof ar appointed to be marked by the Clerk of Counsell) wherein he sall insert trewlie and faithfullie the particular soumes and names of the persons that will contribute in that earand, and to make report yeerelie to the Clerk of Counsell what soumes he hes receaved, and the saids Lords considdering that by the yeerelie exhibitioun of this booke the same may be miscaried, torne or tint to the disappointing and hinder of the pious and good caus for quhilk this contributioun is intendit, thairfoir the Lords of Secreit Counsell declares that the said colonell sending ane note yeerelie under his hand to the Clerk of Counsell upon his honnour and credite conteaning the whole soumes of money that sall be receaved be him and others in his name towards the advancement and interteanement of the said hospitall sall be ane sufficient exoneration to him in that point, and in that caise the saids Lords dispenses with the not exhibitioun of the said booke yeerelie." Acta, June 1634-April 1636. Fol. 21, a.

Edinburgh, 17th September 1634.

Sederunt—Privy Seal; Murrey; Wintoun; Annerdaill; Lauderdaill; Melvill; Bining; Master of Elphinstoun; Advocate; Sir Robert Gordoun; Sir James Baillie.

Sir James Nicolson of Cockburnspath accepts the sheriffdom of Berwick.

"The whilk day Sir James Nicolsone of Colbrandspeth, shireff principall of the shirefdome of Berwick, compeirand personallie before the Lords of Privie Counsell, accepted upon him the office of shirefship within the said shirefdome of Beruick and gave his oath *de fideli administratione*."

Mr. James Cockburn accepts the office of sheriff-depute of Haddington.

"The whilk day in presence of the Lords of Secreit Counsell compeired personally Mr James Cokburne, shireff depute of the shirefdome of Hadintoun, and accepted upon him the said office of shireff depute within the saids bounds and gave his oath *de fideli administratione*." Fol. 21, b.

Mr. James Cockburn reappointed sheriff-depute of Haddington.

"Forsamekle as Mr James Cokburne, shireff depute of the shirefdome of Hadintoun, hes exercised that office thir manie yeeres bygane both for the good of his Majesteis service in that kynde and to the good lyking of all his Majesteis subjects whome it did concerne, and his Majestie considering that in regarde of his long practice in that service and sufficiencie otherwayes great prejudice would arise therein to his Majesteis service and to his Majesteis subjects if he wer removed; thairfoir his Majestie, with advice of the Lords of his Privie Counsell, hes made and constitute, and be thir presents makes and constituts, the said Mr James Cokburne shireff depute of the said shirefdome of Hadintoun, and gives and committs unto him the office thairof with all fees, dewteis, escheits, unlawes, forefeyts and casualiteis belonging thereto, with power to him to aske, crave, receave and uplift the same and to exerce the said office siclyke and with als great fredome and auctoritie as the said Mr James or anie his predecessours in the said

Acts, June 1634-April 1636. Fol. 21. b.

office hes or might have lawfullie done at anie tyme heeretofore, shireff courts within the tolbuith of Hadinton and others accustomed places and seates within the said shirefdome to sett, begin, affixe, affirme, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to aske, lift and raise and for the same, if neid beis, to poynd and distreinyie, and to proceed and minister justice in all and sindrie actions and causes, criminall and civill, proper and competent to the said shireff depute, and to caus the same be putt to executioun accordinglie; breeves of our soverane lords chancellarie of quhatsomever nature and qualitie direct and to be direct to the said shireff depute to receave, opin and caus be proclamed and accordinglie to be putt to executioun; officers, serjants, dempsters and others members of court neidfull to make, create, substitute and ordaine, for whome the said depute sall be haldin to ansuer; assyses and witnesses als oft as neid beis under the usuall and accustomed panes to summound, warne, choose and caus be sworne; with power to the said depute to aske, crave, receave, intromett with and uplift his Majesteis castell wairds, blenche dewteis and entreisses for free tennents and, if neid beis, to poynd and distreinyie thairfoir, and compt thairof in his Majesteis Exchecker to make; as alsua

Fol. 22, a.

to receave the mustours and weaponshawings of the inhabitants within the said shirefdome at suche tymes and places as sall be appointed thereto be his Majesteis lawes and proclamations and to unlaw and punishe the absents accordinglie, as alsua to raise and conveene the inhabitants within the said shireffdome at all tymes and occasions needfull for the forderance and advancement of his Majesteis auctoritie and service and persute of his Majesteis rebellis, tratours and dissobedient persons; and generallie all and sindrie others things to doe, exerce and use quhilks ar proper and competent to the office of ane shireff and quhilks of the law and consuetude of this realme ar knowne to perteane: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin. This commissioun for the space of ane yeere nixt after the dait heirof but revocatioun to indure."

James Dunbar of Boigis appointed Sheriff of Elgin and Forres.

"Forsamekle as the commissioun of shirefship grantit to Alexander Dumbar of Grange within the bounds of Elgine and Forres is expired upon the last of July bygane and the Lords of Secreit Counsell understanding the good and worthie dispositioun of James Dumbar of Boigis toward the forderance and advancement of his Majesteis service, and that he will behave himselfe with that respect that becomes ane shireff within the saids bounds, thairfoir the saids Lords hes made and constitute and be the tennour heirof makes and constituts the said James Dumbar shireff principall within the saids bounds of Elgine and Forres, and gives and grants unto him the office thairof with the liberteis and priviledges perteaning thereto, with power to him to use and exerce the said office in all and sindrie the liberteis and priviledges thairof and to intromett with and uplift the fees, dewteis, escheits, unlawes, forefeyts and

casualiteis proper and perteaning thereto, siclyke and with als great fredome and auctoritie as the said Alexander Dumbar of Grange, his deputs and clerkes, or anie thair predecessours, hes or might have lawfullie done at anie tyme heeretofore; shireff courts within the tolbuith of Elgine and Forres and others accustomed places and seates within the said shirefdome to sett, begin, affixe, affirme, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynd and distreinyie, and to proceed and minister justice in all and everie actioun and caus proper and competent to the said shireff, and to give decreits and sentences thereupon, and to caus the same decreits and sentences receave execution accordinglie; breeves of our soverane lords chancellarie of whatsomever nature and qualitie direct and to be direct to the said shireff to receave, opin and caus to be proclamed and accordinglie to be putt to executioun; assyses and witnesses als oft as neid beis under the usuall and accustomed panes to summound, warne, choose and caus be sworne; deputs under him in the said office with officers, serjants, dempsters and others members of court neidfull to make, create, substitute and ordaine, for whome the said shireff sall be haldin to ansuer; with power to him to aske, crave, receave, intromett with and uplift his Majesteis castell wairds, blenshe dewteis and intreisses of free tennents and, if neid beis, to poynd and distreinyie thairfoir, and compt thairof in his Majesteis Exchecker to make; as alsua to receave the mustours and weaponshawings of the inhabitants within the said shirefdome at suche tymes and places as sall be appointed thereto be his Majesteis lawes and proclamatiouns and to unlaw and punishe the absents accordinglie, as alsua to raise and conveene the inhabitants within the said shirefdome at all tymes and occasiouns neidfull for persute of his Majesteis rebellis, tratours and dissobedient persons; and generallie all and sindrie others things to doe, exerce and use quhilks to the office of ane shireff ar proper and competent and quhilks of the law and consuetude of this realme ar knowne to perteane: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin: And ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croces of Elgin and Forres and others places neidfull, quherethrow nane pretend ignorance of the same, and to command and charge all and sindrie his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, and assist the said shireff and his deputs in all and everie thing tending to the forderance and advancement of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, as they will ansuer upon the contrare at thair perrell. This commissioun for the space of ane yeere nixt after the dait heirof to indure."

Acta, June 1634-April 1636. Fol. 22, a.

Fol. 22, b.

Appointment of commissioners to take

"Forsamekle as the Kings Majestie hes made choise of the persons particularlie underwrittin to be shireffs of the shirefdomes after specefeit

Acts, June 1634-April 1636. Fol. 22, b.

for the yeere to come, and the Lords of Secreit Counsell considdering that in regarde of the shortnes of tyme and necessitie of his Majesteis service the said shireffs cannot be brought heir to give thair oathes before his Majesteis Counsell, thairfoir the Lords of Privie Counsell hes givin and grantit and be the tennour heirof gives and grants full power, auctoritie and commissioun, expresse bidding and charge to the noblemen, counsellers and others persons aftermentiouned to take the oaths of the shireffs particularlie after specefeit for the faithfull discharge of the office of shireffship within thair severall bounds and jurisdictions; that is to say, George, Erle of Kinnoull, Lord High Chancellor of this kingdome, to take the oath of Sir Williame Stewart of Garnetullie, shireff principall of Perth; to Thomas, Erle of Hadintoun, Lord Privie Seale, to take the oathes of Sir Johne Dalmahoy, shireff principall of Edinburgh, Walter Cornwall of Bonhard, shireff principall of Linlithgow; Sir Patrik Murrey of Elibanke, shireff principall of Hadintoun, Sir William Scot of Harden, shireff principall of Selkirk, and Sir Robert Greirsone of Lag, stewart principall of Annerdaill; and to Patrik, bishop of Glasgow, to take the oathes of Walter McAwlay of Ardincaple, shireff principall of Dumbartane, Sir James Hamiltoun of Broomehill, shireff principall of Lanerk, James Chalmers of Gatgirth, shireff principall of Air, and Sir Williame Cunninghame of Cunninghamheid, baillie principall of Kylestewart; and to David, Erle of Southesk, to take the oath of Sir Johne Carnegie of Ethie, shireff principall of Forfar; and to Patrik, bishop of Aberdein, to take the oathes of Thomas Crombie of Kemnay, shireff principall of Aberdein, and George Baird of Auchmedden, shireff principall of Bamff; and to Johne, bishop of Murrey, to take the oathes of Alexander McKeinzie of Culcowy, shireff principall of Innernes, and James Dumbar of Boigs, shireff principall of Elgine; and to Sir Johne Charters of Amisfeild or Sir Robert Greirsone of Lag to take the oath of Johne Dalyell, sone to the Lord Dalyell, shireff principall of Dumfreis; and that the saids commissioners make and send in to the Clerk of Counsell ane formall report in writt of the shireffs respective abonewrittin thair oathes to the effect the same may be insert and registrat in the bookes of Privie Counsell. And the saids Lords ordains the saids shireffs to make their addresse with all convenient diligence to the commissioners particularlie abonewrittin to give thair saids oathes for the faithfull discharge of thair offices."

the oaths of recently appointed sheriffs.

Fol. 23, a.

"Forsamekle as the disordered and brokin clannes in the Hielands being by force of auctoritie and carefull executioun of the lawes reduced to obedience now of a long tyme bygane, and his Majesteis peaceable subjects in the incountrie sattled in a full suretie of thair persons and goods, thir disordered lymmars being now wearied of this long and happie peace they have upon hope of impunitie begun to breake louse and not onelie to make privat stouthes bot opin heirships and others insolenceis upon his Majesteis good subjects, to the disgrace of his Majesteis governement,

Proclamation anent broken men in the Highlands.

and they ar the rather encouraged to goe on in thair wicked and lawlesse courses in regarde of the negligence of the shireffs, stewarts, bailleis of regaliteis and others ordinar judges in not putting his Majesteis lawes and acts of parliament into executioun aganis thir brokin lymmars and sorners, as alsua becaus the landslords, bailleis and others whome it concernes gives way to thir brokin men peaceablie to pas and repas with thair spreaths and heirships throw thair bounds. And whereas in the parliament haldin at Edinburgh in the moneth of Junij, 1592, it is statute and ordained that all shireffs and others judges ordinar, als weill to burgh as land, within regalitie as royaltie, sall doe thair exact diligence in inquyring, searching and apprehending of sorners, oppressours, vagabounds and beggers wandering athort the countrie and all simulat theeves and egyptians; lykeas in the parliament haldin at Edinburgh in the moneth of July, 1587, it is statute and ordained that if anie person, landslord or baillie receave or ressett anie person fugitive after the committing of thifts and depredations upon thair lands and stayes and arrests thame not when they pas throw thair bounds with trew mens goods reft and stollin, if the same comes anie way to thair knowledge or that it be tryed that they might have stayed the saids reaffes and oppressiouns, in that caise they sall be haldin to present the offenders to the lawes or to redresse the partie skaithed, and where the awners of the stollin goods followes not, the stayers and arreisters of the saids goods passing throw thair lands sall be haldin to make certificatioun be publicatioun at the mercat croces of the shire that the parties having interesse may challenge thair goods in sax dayes space; and where the lord of the ground never uses to make residence in the parts throw quhilks the theeves resort they sall be bound be thair bailleis and tennents to make thair arrestments and stay and to make publicatioun of the same, if it be in thair power or comes to thair knowledge, and that the cheefe of the clan in the bounds where these brokin men dwellis, throw the quhilks these lymmars and brokin men repaires in passing to steale and reave or returning thairfra, sall be bound to make the like stay, arrestment and redresse; as in the the saids twa acts of parliament at lenth is conteanit. And the Lords of Secreit Counsell understanding that the execution of the saids acts will greatlie conduce towards the restraining of the insolenceis of thir brokin lymmars and the good and quyet of the countrie, thairfoir ordains letters to be direct charging all and sindrie shireffs, stewarts, bailleis of regaliteis and others judges ordinar to burgh and land and als all landslords, thair bailleis and tennents, where they reside not thameselffes, and all chiftans of clans to doe thair exact diligence in inquyring, searching, apprehending, staying and arreisting of all brokin men, sorners, vagabounds and sturdie beggers resorting and repairing within thair bounds committing anie heirships, stouthes, reaffes, depredatiouns and slaughter, and to committ thame to waird therein to remaine till justice be ministrat upon thame as accords,

Acta, June 1634-April 1636. Fol. 23, b.

Acta, June 1634-April 1636. Fo'. 24, a.

under the panes conteanit in the saids acts of parliament; certifeing the saids shireffs, landslords and others foresaids, if they failyie, that the foresaids panes sall be execute upon thame without favour; and that the saids landslords and thair bailleis and chiftans of clans who ar not ordinarie judges exhibite all suche brokin men, sorners and disorderlie persons apprehended be thame, as said is, to the shireffs, stewarts and others judges where they sall be apprehended, whome the saids Lords makes and constituts his Majesteis justices in that part to the effect underwrittin, givand, grantand and committand unto thame, conjunctlie and severallie, full power, auctoritie and commissioun, expresse bidding and charge courts of justiciarie at quhatsomever places and upon quhatsomever dayes lawfull and convenient to sett, begin, affixe, affirme, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to aske, lift and raise and for the same, if neid beis, to poynd and distreinyie, and in the same courts the persons, sorners and brokin men apprehended be the saids shireffs, stewarts and others ordinar judges to burgh and land in anie actuall thift, depredatioun or stouthreaffe or suspect and delate guiltie of the saids crymes, or who sall be exhibite and presented unto thame as being persons of the qualitie foresaid be the landslords, thair bailleis and tennents, to call, be dittay to accuse and thame to the knowledge of ane assise to putt, and as they shall be found culpable or innocent of the saids crymes to caus justice be ministrat upon thame conforme to the lawes of this realme; assyes neidfull for this effect, ilke person under the pane of fourtie punds, to summond, warne, choose and caus be sworne; clerkes, serjants, dempsters and others officers and members of court neidfull to make, create, substitute and ordaine, for whome the saids commissioners sall be haldin to ansuer; and incaise it sall happin the saids brokin men and sorners for eshewing of apprehensioun to flee to strenths and houses, with power to the saids commissioners, shireffs, stewarts, landslords and others foresaids, conjuuctlie and severallie, to pas, follow and persew thame, assiege the saids strenths and houses, raise fire and use all kynds of force and warrelyke ingyne that can be had for wining and recoverie of the same and apprehending the saids brokin men being therein; and if in persute of the saids brokin men, they refuising to be tane and violentlie opposing the executioun of this commissioun, it sall happin thame or anie of thame or anie being in companie with thame and within the saids strenths and houses aud assisting thame to be hurt, woundit, mutilat or slaine or anie other inconvenient to follow thereupon, the saids Lords declares that the same sall not be impute to the saids commissioners nor persons assisting

Fol. 24, b.

thame in execution of this commissioun as cryme nor offence, and that they nor nane of thame sall not be callit nor accused thairfoir criminallie nor civillie be anie maner of way in tyme coming, exonering thame thairof and of all pane, crime and danger they may incurre therethrow

simpliciter be thir presents; with power to the saids shireffs and others judges ordinar to burgh and land, landslords, thair bailleis and tennents and chiftans of clans and suche as sall accompanie thame in execution of this commissioun to beare and weare hacquebuts and pistolets in the executioun of the said commissioun and persute of the saids brokin men and sorners allanerlie, and no otherwayes, without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding quhatsomever acts and statuts made in the contrare, whereanent the saids Lords dispenses be thir presents; and generallie all and sindrie others things to doe, exerce and use quhilks of the law and consuetude of this realme for executioun of this commissioun ar knowne to perteane: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin; charging heirby all his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the forderance of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, as they will ansuer upon the contrare at thair perrell. This commissioun for the space of ane yeere nixt after the dait heirof to indure." Acts, June 1634-April 1636. Fol. 24, b.

Appointment of a commision for the apprehension of broken men in Moray.

"Forsamekle as the Lords of Secreit Counsell ar informed that ane great nomber of sorners and brokin men of the Clangregour, Clanrannald, Clanlachlane and others brokin clans dwelling under the Laird of McGregour, the Laird of Glengarrie, Allane McEane Dowy and his sonnes, the Captane of Clanrannald, and elliswhere in the Hielands, have verie heavilie infested and spoyled diverse of his Majesteis good subjects dwelling within the shirefdomes of Murrey, as namelie upon the day of August last they came to the dwelling hous of Chalmer in Ormestoun, band himselfe and his wife hand and foote, spoyled his hous and reft and away tooke ane thowsand punds or thereby; and upon the day of the said moneth thereafter they in like maner spoyled and herryed the hous of Andro Geddes in Gairmocht; and upon the day of the said moneth they came to the hous of Johne Moir in Braemurrey and robbed and spoyled the said Johne of his goods and gave Mr James Cumming, being in the hous for the tyme, ellevin wounds with his awne durke; lykeas in the moneth of Junij last they violently lifted and away tooke ane heirship of fiftie head of oxin and ky aff the month of Dolles; and in the moneth of July thereafter they thifteouslie staw three meirs from Thomas Gilzeane in Haltoun togidder with ane black hors; and latelie in the moneth of September instant thay violentlie drave away ellevin hors and meiris perteaning to Johne Hay in Ortoun; by the quhilks and manie moe greevous oppressiouns, depredations and heirships committed upon his Majesteis good subjects in the incountrie of Murrey be thir brokin lymmars and sorners, who goe athort the countrie in great troupes and companeis armed with unlawfull weapons, the haill inhabitants in these bounds ar in continuall feare of thair lyffes and Fol. 25, a.

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fol. 25, a.

spoyling thair goods and darre not keepe thair houses nor travell in the countrie, as hes beene represented to the saids Lords by ane commissioner sent unto thame frome the barons and gentlemen of the countrie of Murrey. And the saids Lords understanding that the peaceable and free passage quhilk thir sorners hes frome the parts of thair abode throw the lands of diverse barons and gentlemen to thir parts of the incountrie of Murrey encourages thame to hazard upon suche desperat and wicked attempts; and to the effect the saids barons and gentlemen use no pretext or cullour for overseing of thir lymmars for want of power and auctoritie to represse thair incursions and depredations, thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full power, auctoritie and commission, expresse bidding and charge to the persons particularlie underwrittin, they ar to say, Sir Johne Grant of Freuchie, Sir Robert Innes of that Ilke, Hucheoun Ros of Kilraack, Alexander Dumbar of Grange, Alexander Brodie of Lethame, Robert Dumbar of Burgie, Mr James Campbell of Moy, Johne Grant, appearand of Ballindallach, Mr Samuel Falconer of Kyncorth, Robert Lesle of Finrassie, Johne Inneis of Leuchars, Coline Campbell, sone to Sir James Campbell of Calder, James Sutherland, tutour of Duffus, Mr David Steuart of Newtoun and Walter Leslie of Glen, conjunctlie and severallie, to convocat his Majesteis lieges in armes and to pas, searche, seeke and take all sorners, brokin men and lymmars committing anie heirships, depredatiouns, stouthreaffes wherever they may be apprehendit and to pas, follow and persew thame and to bring and exhibite thame before the shireff or other ordinar judge where they sall be apprehendit to underly thair deserved tryell and punishement; and incaise it sall happin anie of the saids brokin men and sorners for eshewing of apprehensioun to flee to strenths and houses, with power to the saids commissioners to pas, follow and persew thame, assiege the saids strenths and houses, raise fire and use all kynde of force and warrelike ingyne requisite for wining and recoverie of the same and apprehending the saids brokin men being therein; and if, in persute of the saids brokin men, they refuising to be tane and violentlie opposing the executioun of this commissioun, it sall happin thame or anie being in companie with
Fol. 25, b. thame or within the saids strenths and houses and assisting thame to be hurt, woundit, mutilat or slaine, or anie other inconvenient to follow thereupon, the saids Lords declares that the same sall not be impute to the saids commissioners nor persons assisting thame in executioun of this commissioun as crime nor offence and that they nor nane of thame sall not be callit nor accused thairfoir criminallie nor civillie be anie maner of way in tyme comming, exonering thame thairof and of all pane, crime and danger they may incurre therethrow *simpliciter* be thir presents; with power to the saids commissioners and suche as sall accompanie thame in executioun of this commissioun to beare and weare hacquebuts and pistolets in the actuall executioun of this commissioun and persute of the

saids brokin men and sorners allanerlie and no otherwayes without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding quhatsomever acts and proclamatiouns made in the contrare, whereanent and all panes conteanit therein the saids Lords dispenses be thir presents; and generallie all and sindrie others things to doe, exerce and use quhilks for executioun of this commission of the law and consuetude of this realme ar knowne to perteane: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin: And ordains letters to be direct charging all his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the execution of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, as they will ansuer upon the contrare at thair perrell. This commissioun for the space of ane yeere nixt after the day heirof to indure." Acts, June 1634-April 1636. Fol. 25, b.

Chieftains within whose bounds broken men are found to be summoned before the Council.

"Forsameekle as it is understand to the Lords of Privie Counsell that great nombers of sorners and brokin men of the Clangregour, Clanlachlane, Clanrannald and others brokin clans dwelling under the Laird of McGregour, Patrik his brother, the Laird of Glengarrie, Allane McEandwy and his sonnes, and the Captane of Clanrannald, hes latelie verie heavilie infested and spoyled his Majesteis peaceable and good subjects dwelling in the countrie of Murrey by committing diverse heirships and depredatiouns upon thame, quhilks have beene represented to the saids Lords by ane commissioner direct frome the bishop and the barons and gentlemen of the diocie of Murrey; and whereas be the lawes of the countrie, acts of parliament and generall band the maisters and landslords of thir brokin lymmars and chiftans of thair clans ar obliged to be answerable for thair good behaviour and for all sorners and brokin men resorting to, fra or throw thair bounds with heirships and depredatiouns; thairfoir the saids Lords ordains letters to be direct charging the saids Laird of McGregour and his said brother, the Lairde of Glengarrie, the Captane of Clanrannald, Allane McEanedwy and his saids sonnes, to compeir personallie before the saids Lords at a certane day to underly suche order anent the peace of the countrie and restraining of the depredatiouns of the saids brokin men dwelling upon thair lands or being of their clans for whome they ancht to be answerable be the lawes of the countrie, and tuicheing redresse to be made be thame to his Majesteis oppressed subjects of thair losses and damages susteanned by the saids brokin men, as by his Majesteis saids lawes and acts of parliament sall be found necessar and expedient for the good and the quyet of the countrie; and that they compeir personallie to the effect foresaid under the pane of rebellioun, etc., with certificatioun, etc." Fol. 26, a.

[Sederunt as recorded above.]

Edinburgh, 17th September 1634.

Complaint by the bailies of Dysart against James Thomson for assault.

Complaint by the bailies of the burgh of Dysert, as follows:—James Thomesone at the west end of the town of Dysert, "a verie turbulent and seditious fellow," having committed a number of insolencies against several of the inhabitants, for which he was censured by the complainers, lately on 7th February last assaulted William Hillock, one of the town officers, by striking him upon the head and face "with his neiff." For this he was challenged by Alexander Simsone, one of the bailies, who attempted to apprehend him, but he "drew a whinger and thairwith invadit and persewit the bailie of his lyffe, bidding him cum over his marche if he durst for his hanging, and so in this presumptious maner appealed him to the combat." The pursuers compearing by Alexander Simsone, bailie of Dysert, but the said James Thomesone not compearing, the lords ordain him to be put to the horn and escheated for his contempt.

William Armstrong warded in the Tolbooth of Edinburgh on a charge of selling cattle stolen from Griffin Wmkills.

This day John Tagart and William Armestrang, noltdrivers, appeared before the Lords of Secret Council, and being again examined anent the goods sold by Tagart in Falkland which he alleged he bought from William Armestrang and which were stolen from Griffon Wmkills of Harnan in the county of Northumberland, the Lords find their evidence contradictory, but the evidence of Armestrang's guiltiness in selling the said goods to Tagart being "verie pregnant and apparent" they ordain him to be warded in the tolbooth of Edinburgh on his own expenses till the truth be further cleared and the stealers of the said goods discovered. They permit the said John Tagart to return home and attend to his own affairs as his Majesty's free liege.

Complaint by James Robson at Brunstane Mylne against John Manick for carrying prohibited weapons and assault.

Complaint by Sir Thomas Hope of Craighall, knight baronet, King's Advocate, and James Robesone at Brunstane Mylne, the party grieved, as follows:—In contravention of the laws forbidding the bearing of hagbuts and pistols, on 4th instant John Manick came under silence of night to John, Earl of Lawderdaill's mill, lately built at Magdalene Brig, and "in a boasteous maner called for ludgeing." On being refused he attempted to take the life of the said James. "Haveing a musket in his hand," he "bendit up the dog thairof, presentit the same to the persewer avowing to shoot him throw the bodie therewith. Bot the said James be Gods providence haveing gottin in to him, tooke the gun from him. He then in a most furious maner made to his sword, drew the same, intendit to have slane the said James thairwith if some people had not happielie comed by and stayed him." Pursuers and defender compearing, the latter accompanied by Alexander Watsone, merchant, as his prolocutor, who represented that this matter was presently in dependence before the Sheriff of Edinbnrgh and his deputes at the instance of the defenders, whom "the said James Robesone not onlie woundit in his bodie the tyme libellit bot also robbed him of his purse and moneyes

being thairin and of ane musket and rapper." To this it was replied that the said James Robesone and Robert and James, his sons, on being pursued on the 8th instant before tbe bailie depute of the lordship of Mussilburgh at the instance of their procurator fiscal for the alleged wounding and robbing of the said defender, were assoilzied therefrom, as the rolment of that court, being produced, proved. The Lords having heard parties and examined several witnesses, find that at the time mentioned the defender came to the pursuer's house accompanied by another soldier and having craved lodging from the pursuer was told that "he had no part bot his barne where his shearers behoved to ly. The defender replyit that albeit the persewer wer hanged he sould ly in the best bed of his hous, and his companion sould ly in the barn; and that thairafter they threatned to shoot with thair hacquebut at the persewers who happielie tooke the same from him." They find nothing proved against the pursuer as to his robbing and wounding the defender who, if he received any wrongs procured them to himself, and that his weapons were justly taken from him. They there ordain the defender to be warded in the tolbooth of Edinburgh until to-morrow night.

Decreta, November 1633-April 1635. Fol. 144, b.

Fol. 145, a.

Complaint by Katherine Mosman, widow of James Nisbet, burgess of Paisley, against Allan Lockhart, bailie in Paisley, for illegal warding.

Complaint by Katherine Mosman, widow of James Nisbet, burgess of Paisley, as follows:—Allan Lokhart, one of the bailies of Paisley, against whom she has some actions depending before the Lords of Session, maliciously to frustrate these caused her to be summoned before him upon "some forged quarrell," and because she did not appear fined her in £10 and threatened to imprison her. She therefore procured a suspension from the Lords of Session, which on returning home she showed to him; but he refused to acknowledge it, spoke most contemptuously of it, and ordered the officers and neighbours of the town to carry her to ward. The people, knowing how hardly the bailie had used her, refused to satisfy his unjust desire, whereupon he took a halbert out of an officer's hand and threatened her therewith, until, for fear of her life, she was forced to go to ward notwithstanding of the suspension. Both pursuer and defender compearing, the Lords having heard parties and certain witnesses find the complaint verified and for his disgraceful contempt of his Majesty's authority they deprive the defender of his office of bailie of Paisley, declaring him incapable of the said office for three years to come; and their Lordships further fine him in £40 to be paid to the pursuer, and ordain him to pay the witnesses in the case, to every horseman £5, and every footman 40s., and to be imprisoned in the tolbooth of Edinburgh until he pay these sums and further until their Lordships release him.

Fol. 145, b.

Complaint by James Gibson, advocate, against John Gordon of Ardlogie for contempt of horning.

Complaint by James Gibsone, advocate, as follows:—On 6th December, 1631, John Gordon of Ardlogie was put to the horn at his instance for not paying to him 330 merks, paid by the complainer as cautioner for Adam Gordon, fiar of Ardlogie, son of the said John, and 500 merks due by the said Adam to the complainer himself, with due interest and

Fol. 146, a.

Decreta, November 1633-April 1635. Fol. 146, a.

expenses; but he remains thereat most proudly. The pursuer compearing but not the defender, the Lords ordain him to be charged to render his house of Ardlogie and enter himself in ward within the castle of Blacknes within fifteen days after being charged under the pain of treason.

Complaint by Barbara Blair against her husband, Oliver Fenton in West Estravie, for ill usage.

Complaint by Barbara Blair, spouse of Oliver Fentoun in Wester Estravie, as follows:—The said Oliver has long behaved himself most inhumanely towards her, a "gentlewoman by whome he got the most part of his means, by stryking and wounding her shamefullie to the Fo. 146. b. effusioun of her blood." On 24th May last, with a great rung he "gave her manie cruell straikes upon diverse parts of her bodie, raive the haire out of her head, shot her to the doores, and would not suffer her to keepe companie with him since that tyme in bed nor boord, for no other caus bot becaus she wald not renunce her lyfrent to the said Olipher, and hes thereby suffered the gentlewoman to live in the qualitie of ane beggar this long tyme bygane, he in the meane tyme injoying her whole means; nather darre shoe go neir him to cohabit with him for feare of her lyffe quhilk he hes resolved to take." Charge having been given to the said Oliver, as party, and to James Fentoun in Wester Estravie and John Gardine in Coltoun, as witnesses, and the pursuer and defender both compearing, but not the witnesses, the Lords, after hearing parties, and finding that they cannot at present cohabit together, ordain the defender to pay to the pursuer £20 for her entertainment until 4th November next, until which day the Lords continue the discussion of the mutual complaints of parties, and also to produce that day the said James Fenton, his son, and John Gardine, his servant, as witnesses, failing which they are to be put to the horn and their goods escheated for their contempt.

Supplication by the magistrates of Dumfries for licence to continue levying toll in connection with the bridge of the said burgh.

Fol. 147, a. Supplication by the provost, bailies and council of the burgh of Dumfries, as follows:—Their Lordships having considered the great expense to which they have been put by the building and restoring of their bridge, which was almost entirely destroyed by the floods and stormy weather, and how that they had done it by themselves, though, if such a thing had fallen out in any other place or burgh in the kingdom, help would have been craved from the whole estates, and knowing to what further expense they must be for upholding their said bridge, on 17th July, 1627, granted them power to uplift for the space of seven years the following tolls and duties, which for many years past they have enjoyed and exercised, viz., of every pack passing along their bridge, 2s.; of every horse, 16d.; of every cow, 16d.; of every sheep, 2d.; of every lamb, 1d.; of every pack of skins, 2s.; and of every daiker of hides, 12d.; as also of every barque coming up the river towards their town, 13s. 4d.; and of every laden boat, 3s. 4d. The seven years have now expired, but the need for the impost to the end stated is as urgent as ever, for few weeks pass without something or other requiring to be

done to their bridge. They therefore crave that their Lordships would extend the time for such period as they think expedient. The Lords extend their former commission for the space of other seven years from the date of these presents. Decreta, November 1633-April 1635. Fol. 147, a.

Complaint by Robert Logan, merchant burgess of Edinburgh, against John and James Davidson, jailors of the Tolbooth of the Canongate, who illegally intend to put him to the horn for refusing to pay for his brother's maintenance while warded in the said Tolbooth.

Complaint by Robert Logane, merchant burgess of Edinburgh, as follows:—He has been charged at the instance of John and James Davidsone, jailors of the tolbooth of the Cannogait, to pay to them £300 for furnishing of meat and drinke to his brother, John Logane, during his being in ward there, and they intend to put him to the horn if he do not pay. Now, he is wrongfully charged, for he is in no way debtful to his said brother, but, on the contrary, the said John is due to him £400; and as he was neither arrested nor warded at the complainer's instance, on no ground of law can he be burdened with the payment of his furnishings; but rather should Samuel Morresone, indweller in Leith, and Andrew Ker of Massindew, be required to pay the said amount, as they owe to the said John 3000 merks; and the decreet by the Lords of Session upon which the charge is grounded is also given against them. Further, the sum charged is contrary to the terms of the said decreet, which is in general terms, ordaining the complainer to pay such sums as after count and reckoning shall be found due; and he cannot be due more than one third of the sum claimed, seeing the said John, during the four months he was entertained by the said jailors, was dealt with but "sparinglie, haveing onelie ane chopen of aill and ane loafe in the day; and since Yuile last they never furnished him so muche as ane loafe of bread bot he wes interteaned be John Polwart all that tyme." Further, the said jailors were at one time content at the sight of the bailies of the the Cannogait to accept £100 in full satisfaction of their claim. So, too, if this payment is imposed upon the complainer, he will be liable most unjustly to be brought in for paying the expenses of his brother at any time hereafter when in ward at other men's instance. Moreover, the decreet of which suspension is now sought was granted on the ground that the complainer had in his hands all the means of the said John Logane, which is not yet proven, and therefore such decreet is null, as nothing has been produced to show that the pursuer is debtor to the said John, and this will be verified upon discussion before the Lords of Session. And finally, the whole matter is one of collusion plotted by the said John Logane to whome the chargers have granted a backbond promising to hand over to him the surplus of the £300 after they are paid their outlays, which backband is in the hands of Mr. Matthew Wemis, minister at Halyrudhous. For the truth of this he refers to the oaths of the chargers, to the account subscribed by the said John Logane and a later subscribed account which is in the hands of Henry Bannatyne, bailie of the Cannogait, which shows that the debt to the chargers is not half of what they claim. The complainer, however, has consigned the sum of £300 in the hands of the Clerk of Privy Council to be given up Fol. 147, b. Fol. 148, a.

Decreta, November 1633–April 1635. Fol. 148, a. Fol. 148, b.

by him to the said jailors if their Lordships so ordain, and he therefore craves suspension of the horning. Charge having been given to the said James Davidsone, and pursuer and defenders [*sic*] compearing, the Lords, after hearing the parties and considering the productions, suspend the horning as craved, and ordain James Prymerose, Clerk of the Privy Council, to pay out of the £300 consigned in his hands to James Davidsone £120 for furnishing, bed and jailor fee of the said John Logane until 23rd August last, and to John Davidsone for the same £60, as in full of all that is due to them, receiving their discharges therefor, and to return the balance to the said Robert Logane.

Further complaint by Robert Logan anent the maintenance of his brother in the Tolbooth of the Canongate.

Complaint by the said Robert Logane, merchant burgess of Edinburgh, in the same case, in which their Lordships ordained him to cite the foresaid Samuel Moresone and Andrew Ker, for the relief of the complainer in the foresaid claim. The pursuer compearing and also the Fol. 149, a. said Samuel Moresone, who confessed that as cautioner for the deceased James Moresone, burgess of Edinburgh, he was due £100 for the Whitsunday's interest of the foresaid 3000 merks, and that at Martinmas next there will be due another £100 for that term's interest of the said sum which belongs to the said John Logane, the Lords in respect that there is no verification produced by Robert Logan's being in debt to his brother, and that it is just and reasonable that the said Johne's jailor fee be paid out of his own money, ordain Samuel Moresone to relieve the said Robert Logane of the sums before decerned against him for the said jailor fee, and that without prejudice of the assignation made to the said Robert Logane of the said sum of 3000 merks and interests thereof for a debt of 1000 merks and interests thereof due by the said John to the said Robert Logane.

Complaint by Thomas Lindsay, merchant burgess of Edinburgh, against William Bannatyne of Corehouse for defying letters of treason procured against him by the complainer.

Complaint by Thomas Lyndsay, merchant burgess of Edinburgh, as follows:—William Bannatyne of Corehous is at the horn at his instance for great debts, and contemns all legal process by hornings, captions, etc. The complainer accordingly summoned him before their Lordships to hear letters of treason granted against him, which, upon many promises by him of giving satisfaction to the complainer, were delayed, until their Lordships, finding that there was no sincerity in these promises, Fol. 149, b. granted the letters, ordaining him to render his house, and enter himself in ward within the Castle of Blacknes. These were executed against him in April last by Mr. William Dowglas, one of the macers of Privy Council, when the Laird of Corehouse's wife delivered to the said macer the keys of the house, which he kept for a time and then locked the gates and brought the keys with him. But in mockery of his Majesty's authority the said Laird of Corehous has caused new keys tc be made and he has entered into the said house again and now dwells there. The complainer has been at great expense in going to the utmost extent of the law, but the said Laird has not obeyed the letters of treason either in delivering his house or entering himself in ward, and so he ought to

be dealt with as a traitor to the terror of others to do the like. The pursuer compearing but not the defender, the Lords ordain his Majesty's Advocate to pursue the latter criminally before his Majesty's Justice as a traitor for disobeying the two charges of treason, but they supersede the outgoing of this decree until such time as Mr. William Dowglas shall have again required delivery of the said house and make report of the defender's carriage and behaviour herein; and they ordain the said Mr. William Dowglas to go and require delivery of the said house, and to keep the same during the defender's rebellion, certifying the said Laird of Corehous that if he disobey, this decreet shall be forthwith extracted and given to the pursuer. Decreta, November 1633-April 1635. Fol. 149, b. Fol. 150, a.

Purport of letter from Robert Preston of Craigmillar to the Council anent his proceedings as adjudicator between Mr. James Raith of Edmeston and Patrick Edmeston of Wolmet. See *ante*, p. 316.

The Lords of Council this day read and considered the letter sent to them by Robert Prestoun of Craigmellor to whom on 15th July last they granted commission for inspecting the ways and passages from the house of Mr. James Raith of Edmestoun to the kirk of Natoun which are in controversy between the said Mr. James Raithe and Patrick Edmestoun of Wolmet. The letter sets forth that the said Laird of Craigmellor, for the better and more orderly conduct of the business, and the settling of the said differences, has thought it advisable to take the advice of David Prestoun of Quhythall, bailie of the regality of Mussilburgh, William Murray of Natoun, Alexander Hay of Monktoun, John Hill of that Ilk, and Mr. John Melvill, minister of Natoun, or as many of them as he may conveniently obtain and as will concur with him, as being unsuspect persons and such as best know "how that kirk rod and horse way to the churche hes beene used in all tymes past." The Lords allow him to do so, and to report to them what they determine and do herein, so that their decision may be authorised and take effect under the pains contained in the acts of lawburrows between the parties.

Complaint by Sir James Nicolson of Cockburnspath and Katherine Nicolson against Alexander Gordon of Abergeldie for ill usage of the said Katherine, his spouse.

Complaint by Sir James Nicolson of Colbrandspeth and Katherine Nicolson, spouse of Alexander Gordon of Aberzeldie, as follows:— "After manie insolencies, unnaturall and violent wrongs committed upon the said Katherine be her said spous," she was forced to summon him before their Lordships, who after careful consideration of the case took a very good course in justice between them by modifying to her "a little portion out of her husband's estate for enterteaning her and her children" during the time their Lordships thought meet to separate them. At that time her husband was resolved "to disherishe the compleaners children and to sell and put away his whole estate in defraud of thame," and to prevent this she was constrained by her brethren, for the standing of his house and for the welfare of her children, to go home with her husband so that they might obtain infeftment of some part of his estate to his son; and her husband then faithfully promised "that he sould carie that respective dewtie to the compleaner quhilk became ane husband to his wyfe," and "gave his band under his hand that he sould Fol. 150, b.

Acreta, November 1633-April 1635. Fol. 150, b.

never strike, hurt nor wrong her in her bodie," under a penalty of 2000 merks to be paid to the said Sir James, her brother, yearly for her maintenance during her life, the payment thereof to begin at the first term after such injury should be proved before their Lordships, and that by her own oath and deposition only. This bond has been repeatedly violated by the said Alexander Gordon, viz.:—On 15th October last "he fell out in manie opprobrious and disgracefull speeches aganis her, thinking to have stired her up to anger aganis him that therby he might have a quarrell aganis her; bot, finding that her patience could not be tempted that way, he then in a great rage and furie addrest himselfe to her, resolved to have putt violent hands in her person were not he wes stayed be a gentleman named Arthur Ros present for the time." Again, on 24th April last he "violentlie shot the compleaner to the doore, constrayning her therby to go beg her ludgeing for twa nights in one of her tenents houses, dureing quhilk tyme he battened the poore servant woman that attendit her in her sicknes and shot her also to the doore." In May last, when she had returned home to his house of Ballogie, "he after his accustomed maner fell out in his rayling speeches aganis her, threatning her to condiscend to anie thing he craved, and either to quyt him or renunce her conjunct fie, as formerlie he had urged her to doe, and to quyt her brethren or then to quyt him for ever." When she refused, "he then threatned to cast her on a horse and to carie her bund to Aberzeldie, and if she preast to come away to compleane of her evill usage that he sould send twentie foure Hieland men in her way to wrong her, swearing manie execrable oathes that there wes no sinne to kill her. And, she preassing to come away to have sought some helpe in this her distresse and miserie, he came violentlie upon her, patt hands in her person till shôe sould give him the litle money she had, and then he bade her go to the divell. And when he [*sic*] gave the money he would not give her so muche as a plaid to putt about her nôr a sarke to putt on her backe, altho shoe intreatted him pitifullie to doe the same." Finally, while she stayed with him at Ballogie, he frequently withdrew himself from the house for twenty days at a time without leaving her so much as a penny to maintain herself and her five children, or any victuals in the house, so that they were brought to the extreme point of famishing, and she was forced to go with the children in her hand begging from some of the tenants who, though they had been previously discharged by the Laird to give her even a peck of victual, were so moved with pity at her distress that they gave her of their own meal. Mr. Robert Forbes, minister at Eycht, knowing her necessity and want, sent her some victual from his house, and has sometimes met her and the children going to the tenants' houses to seek meat, and sometimes he took her home to his own house. At last, she was forced to come away with two of her children and beg from her friends, "sieing that both in tyme of her chyldbirth and ever since

Fol. 151, a.

Fol. 151, b.

she went home with him last, by abstracting of the ordinarie mentenance from her and her bairnes he had brought her to the poynt of begging alreadie from his tenents." Her husband having thus violated his band and incurred the penalty, she craves that letters may be directed against him for payment thereof. Charge having been given to the said Alexander Gordoun, and the pursuers compearing but not the defender, the Lords, having seen the bond referred to (which was registered in the Books of Counsell and Session), decern the defender to have incurred the penalty contained in the bond, and ordain him to pay the same yearly to the said Sir James Nicolson, beginning the first term's payment at Whitsunday next, 1635, and to continue the payment during the said Katharine's lifetime. The truth of the complaints was established by the oath and depositions of the said Katharine.

Decreta, November 1633-April 1635. Fol. 151, b

Fol. 152, a.

Complaint by Mungo Wright, cordwainer, servitor to the Earl of Roxburgh, against James Brown, cordwainer, burgess of Edinburgh, for seizing six pairs of shoes.

Complaint by Mungo Wright, cordiner, servitor to the Earl of Roxburgh, now indweller in Leith, as follows:—In July last he agreed with Thomas Davidsone, servitor to the Master of Forbes, to make their soldiers six pair of shoes of the best sort at 20s. per pair, or £6 in all, and having made the shoes, he brought them up to be delivered to the said Thomas Davidsone, when James Broun, cordiner, burgess of Edinburgh, came to him within the cellar of Thomas Martin in Edinburgh, and reft from him and took away the whole six pairs of shoes, and has kept them from him for the past ten weeks, though the pursuer is no way in debt to him, has never wronged him, nor usurped any privilege, seeing the said shoes were bought and sold within the Earl of Roxburgh's bounds. He is greatly injured thereby, being but a poor tradesmen living by his craft. Charge having been given to the said James Broun, and the pursuer compearing, also the defender, along with Mr. Alexander Guthrie, town-clerk of Edinburgh, in behalf of the provost, bailies and council of the said burgh for their interest, who pleaded that the defender had done no wrong in seizing the said shoes as the deacon and brethren of the cordiners of this burgh are warranted by their seal of cause granted to them by the provost, bailies and council of this burgh, and confirmed by the late King James, to seize and confiscate all unfreemen's work brought within this burgh to be sold "aff the monendayes mercat and outwith the said mercat, and whiche hes beene thair customable practise past memorie of man"; and Mr. Alexander Guthrie desiring that the trial of this matter might be remitted to the Lords of Session, the Lords, after hearing parties, remit the case to the Lords of Session as judges competent thereto.

Fol. 152, b.

Complaint by Archibald Torrie of Berwick, messenger, servitor to James, Earl of Moray, against Robert and James Dunbar, sons

Complaint by Archibald Torrie of Bervick, messenger, servitor to James, Earl of Murray, as follows:—On 15th March, last Robert and Thomas Dumbar, sons of John Dumbar of Moynes, Alexander Byres in Moynes, John Lamblie in Milntoun thereof, Andrew Wallace in Bruntoun, John Henrie in Boghoill, Alexander Fletcher and Andrew Nytie in Alderne, Robert Fletcher in Blakhill, David Lowsoun and David Dumbar

Decreta, November 1633-April 1635. Fol. 153, a.

in Craigheid, John M'Quiben in Boghoill, James Wallace in Rydruitts, and Alexander Strachan in Ersleat, were put to the horn at the complainer's instance for not entering into ward within the tolbooth of Edinburgh until order should be taken with them for their insolence against the complainer with forbidden weapons in the execution of his office. Further, on that same day the said Robert and Thomas Dumbar were put to the horn for not paying to him, each of them, 500 merks, as the fine imposed upon them for the insolence foresaid. But they all contemn the said hornings, and they have resolved whenever they meet the complainer to take his life. And although the said Robert Dumbar upon some specious pretexts and informations of his innocence (which were never verified, while the charges were fully proved) obtained from their Lordships an immunity from warding, and a modification of the said fine to 300 merks, on condition that he should pay this sum to the complainer and find caution for his indemnity, as also for not intercommuning with his brother Thomas, who keeps his house in Murray as a house of war, furnished with powder, lead and other warlike provision, yet the said Robert has obeyed this ordinance in no point, but, having obtained a protection for selling his lands, and having got this done and also had his protection extended to Martinmas, he has scorned and mocked the complainer and passed home to Murray. Charge having been given to the persons complained against and also to the said Robert Dumbar to produce the said protections and see them annulled, and the pursuer compearing personally, and Robert Dumbar appearing by Mr. Thomas Nicolsone, younger, advocate, his procurator, who produced a letter of suspension, orderly proceeded, against the said horning in the case of Robert Dumbar, the Lords assoilzie him, but they ordain letters of treason to be issued against the other defenders, none of whom compeared, for rendering their houses, and for entering themselves in ward within the castle of Blacknes, within fifteen days after being charged so to do.

of John Dunbar of Moynes, and others, for defiance of horning under which they lie at his instance.

Fol. 153, b.

Complaint by Mr. William Rutherfurde, son of the deceased Rutherfurde, merchant, and Jerome Peirie, his tenant, as follows:—On 30th July last, he obtained a decreet before the Commissioners for Surrenders and Teinds against John, Lord Bamerinoch, tacksman of the teinds of the parish of Restalrig, giving warrant to the complainer to lead the teinds of his forty-three and a half acres of land within the said parish for this present year, 1634. Of this decreet the complainer caused make intimation at the Castle gate of Edinburgh to the said Lord Bamerinoch on 21st August last. Yet, this notwithstanding, Dame Anna Ker, Lady Bamerinoch, and James, Lord Cowper, accompanied by about thirty persons, came on Monday last, early in the morning, at the instigation of Lord Bamerinoch, to that part of his acres called the Southbrae, and before the corns had been fully sheared entered to the leading of the teinds. On information of this reaching the complainer he went to them and showed his warrant and instrument of intimation, desiring them

Complaint by Mr. William Rutherford and James Peirie, his tenant, against Lord Balmerino for preventing him from leading his teinds.

Fol. 154, a.

to desist, and when they refused, he endeavoured to stop them from filling their sleds, but "they patt violent hands in his person, and held him till they tooke away seventene thraive and seven sheaves of wheit." Decreta, November 1633–April 1635. Fol. 154, a. Again, on the 11th of the same month, while the complainer was teinding his corns upon the back of the brae, the said Lady Bamerinoch, accompanied by 120 persons armed with swords, lances, and forks, came at the instigation of the said Lord Bamerinoch tumultuously upon the complainer, and would not suffer him to lead his teind but threatened to "fell him and his servants cold deid if they teindit anie, and then violentlie reft thrie threave and a stouke of quheit and caried the same away." Further, that same day, when the complainer had lawfully teinded the corns of Jerome Peirie, indweller in the Querrell Holles, his tenant, by virtue of his said warrant, upon which the said Jerome had taken instruments, the said lady and her accomplices came upon the honest man as above, and, although he showed her the said instrument, they violently teinded his corn over again and took away "threttene thraive and a stouk of quheit." Charge having been given to the said Lord Bamerinoch and Dame Anna Ker, his spouse, and the pursuer compearing personally, and also the said Lady for herself and on behalf of Fol. 154, b. her said husband, the Lords assoilzie the defenders, because the said Lady produced before their Lordships an act of the Commissioners for the Surrenders and Teinds dated 15th June, 1632, by which they declared and ordained that the heritors of the Maynes and feu acres of Restalrig should not have the benefit of leading of their teind until they made a particular division of the true and constant worth of the teind rent of every one of their proportions, and her Ladyship affirmed that this had not yet been done. And in respect hereof the Lords further continues the said Lord of Bamerinoch in his possession of the leading of the said teinds and discharges the pursuers from all meddling therewith until the matter be discussed by the Commissioners foresaid.

Complaint by Marion Murdoch, spouse of Charles Murray of Banhowrie, against Paul Redick of Bancheyne for assault.

Complaint by Marion Murdoch, spouse of Charles Murrey of Banhowrie, and her said husband, for his interest, as follows:—Paul Redick of Bancheyne, having obtained a decree before the Steward of Kirkcudbright and his deputes against the said Charles Murrey for removing from the lands of Banhowrie, Murrey raised an action of reduction thereof before the Lords of Session, but, while the case was in hearing, the said Paul "went home in great anger; and upon the 24 of Julij last came to the ground of the saids lands, and finding Johne McNeish the complainers servant there, he, with a great batton prepared for the purpose, strake him betweene the shoulders to the ground. And upon the morne thairafter he came to the saids lands and drave away violentlie Fol. 155, a. af thairof twentie head of bestiall belonging to the compleaner. And, becaus the said Marion Murdoch, the compleaners wyff, wes takeing backe tua milke ky of the said bestiall for the present use of her children, the said Paul, for this onelie caus, with ane great square battoun gave

Acta, November 1633–April 1634, f. 155, a.

the gentlewoman ane cruell wound upon the forhead wherewith he dang in her harnpan, to the great effusioun of her blood, so as she fell doune deid to the ground and lay a long tyme a swound, and the said Paul himselfe with the violence of the stroke fell also to the ground." The pursuer compearing personally and also the defender, the former for proving her averments produced a rolment of the Steward Court of Kirkcudbright, dated 29th July last, when the said Paul, being prosecuted for this assault by the procurator fiscal, confessed "the stryking of the said Marion upon the neise and face with a stalve." The said John M°Neish referred for proof of the assault upon him to the defender's oath of verity, who thereupon confessed the deed, for which great insolence against the pursuers the Lords ordain him to pay to the said Marion £100 for the wrong done to her, and further they commit him to ward within the tolbooth of Edinburgh until they release him.

Fol. 155, b.

The Lords of Council, considering that Griffon Wmkills of Harnam has only received five of the eight oxen bought by John Tagart, nolt driver, from William Armestrang, and sold by him at Falkland, the Lords ordain the said John Tagart to find sufficient caution to the said Griffon for paying him fifty merks for each of the three oxen yet amissing, with right of suing repetition from William Armestrang of such further sums as these three oxen shall be found to have been worth when they were sold to him; as also they ordain him to find like caution to James Haitlie in Fakland, James Sibbald in Bowslie and James Lachreish in Baquhornie (who bought some of the said oxen from Tagart and from whom the said Griffon has recovered the same) for repayment of the prices he received for them.

John Tagart ordained to pay fifty merks for three oxen of which he had not given account to Griffin Wmkills, their original owner. See *ante*, p. 365.

Complaint by Mr. James King, advocate, and Marion Hart, his spouse, as follows:—They have put Mr. John Oliphant, portioner of Brouchtoun, advocate, to the horn for not paying 3300 merks for which he became cautioner for Sir James Oliphant, his brother, and thereafter they raised letters of caption against him for charging the bailies of Edinburgh to apprehend and ward him until he should pay 1300 merks as the balance of the foresaid sum; but execution thereof was stayed by the production of a protection granted by their Lordships to him, though at the same time the complainers showed to the said bailies a written undertaking signed by the said John on 16th January, 1634, that he would not make use of any protection obtained by him in this matter without their special consent thereto. Both pursuers and the defender appearing and having been heard, the Lords ordain the said Mr. John Oliphant to give security to the pursuers before 8th January next that he will pay the said sum of 1300 merks to them at the term of Whitsunday, 1636.

Fol. 156, a.

Complaint by Mr. James King, advocate, and Marion Hart, his spouse, against Mr. John Oliphant, portioner of Broughton, advocate, for non-payment of 1300 merks.

Complaint by Mr. John Dickson, his wife, and son against Thomas

Complaint by Mr. John Dicksone, Margaret Thomsone, his spouse, and Edward Dicksone, their son, as follows;—On 6th September last they were on the gronnd of the lands of Fluires for peaceably drawing their teind, when Thomas Drysdaill, herald in Leith, Thomas Drysdaill,

Drysdale, herald in Leith, and others for assault while the complainers were leading their teinds.

baker, James Mershell, messenger, William Dowglas in Leith, and others, followed the complainers, who, fearing assault caused James Bisset, messenger, charge them with letters of lawborrows. Notwithstanding of this, however, they assailed the complainers, violently hindered them in their teinding, hurt and wounded them with many "bauch and blae" strokes, "dang thame over their sleds backward to the ground and with klubbis, stalvis, kents and rungis strake and birsed the said Edward Dickson on the head, face and armes to the effusion of his blood." Charge having been given to the persons complained upon, and pursuers and defenders all compearing and having been heard, the Lords assoilzie the defenders, because the proof being referred to the evidence of witnesses, the complaints were not substantiated. Decreta, November 1633-April 1635. Fol. 156, a. Fol. 156, b.

Caution by Edward Dickson, that he will not molest Thomas Drysdale.

This day Edward Dicksone, son of Mr. John Dickson in gave his bond of caution under the penalty of 100 merks that he would not molest Thomas Drysdaill, herald, otherwise than by order of law.

Edinburgh, 17th September 1634.

"Ane commissioun past and exped to certane gentlemen aganis rebellis and brokin men, sorners upon the Laird of Fendraucht and his servants." Sederunts, November 1629-January 1635. Fol. 129, a.

Commission anent sorners on the Laird of Frendraught.

"Ane signature anent the correctioun house, past and exped."

The House of Correction.

"Ane act anent Johne Tagart and William Armestrang, nolt dryvers, quhereby Tagart is warranted to goe home and Armestrang committed to waird."

John Tagart and William Armstrong.

"The Lords ordains Johne Tagart to find cautioun to Griffon Wmkells for payment of the soume of fiftie merkes for everie ane of the said Griffon his three oxin bought be him frome William Armestrange and sauld in Falkland and quhilks three oxin the said Griffon hes not receaved backe agane, as alsua ordains him to find cautioun to the gentlemen in Fyffe for payment to thame of the prices receaved be him frome thame for Griffon Wmkells oxin quhilks he hes receaved backe againe; and the saids Lords reserves to the said Griffon actioun aganis the said William Armestrang for recoverie frome him of suche soumes of money as his oxin sall be found to have beene worth more nor the prices receaved be Johne Tagart." Fol. 129, b.

The case of John Tagart and Griffin Wmkills. See *ante*, p. 375.

Edinburgh, 18th September 1634.

Sederunt — Privy Seal; Wintoun; Wigtoun; Annerdaill; Melvill; Master of Elphinston; Advocate; Sir Robert Gordon; Sir James Baillie. Acta, June 1634-April 1636. Fol. 26, a.

Anent the erection of the lordship of Torphichen.

"The Lords of Secreit Counsell continewes the advising of the processe anent the erectioun of the lordship of Torphichin with the defences, ansuers, replyes, duplyes and triplyes givin in *hinc inde* heereanent be the Lord Torphichin and his Majesteis Advocat till a more frequent meeting of the Counsell upon the fourt of November nixt, quhairof the said Lord Torphichin and his Majesteis said Advocat, being personallie present, ar warned *apud acta*."

Decreta, November 1633-April 1635. Fol. 156, b.

[Sederunt as recorded above.]

Edinburgh, 18th September 1634.

Complaint by James Spence merchant burgess of Edinburgh, against William Thomson, whom he accuses of delaying the hearing of the complainer's accounts.

Complaint by James Spence, merchant burgess of Edinburgh, as follows:—When auditors were appointed for the hearing of his accounts with William Thomesone, their Lordships declared that upon their reporting his diligence in the matter they would extend his protection. He drew up his accounts and gave them to James Robesone, burgess of Edinburgh, to be delivered to the auditors, "bot they being ignorantlie miscaried they came to William Thomesones hands who after he had red and copied the same till the tyme of hearing of thame wes past, and by so doing, as the supplicant is informed, he hes purchast ane testificat under the hands of the auditors of the supplicant his postponing and not Fol. 157, a. useing of diligence." He intends thus to hinder the hearing of the accounts and frustrate the granting of his warrant, although he obliged himself not to do so until 17th November next, as an act of adjournal shows. Charge having been given to the said William Thomesone, who compeared personally, the pursuer compearing by Alexander Watsone, merchant in Edinburgh, his procurator, and parties having been heard, the Lords continue the pursuer's protection until 4th October next, provided that within forty-eight hours he give up his accounts to the auditors; and if the auditors report to the Clerk of Counci the pursuer's diligence in this business, they authorise the clerk upon their desire to extend the pursuer's protection to the 4th of November.

Supplication by Griffin Wmkills of Harnam that Andrew Clerksone at Blaigburne be cited on a charge of selling two of the stolen oxen of the complainer.

Supplication by Griffon Wmkills of Harnam, in the county of Northumberland, as follows:—On 10th October last ten oxen were stolen from him, eight of which were sold at Fakland, and the other two, one red-coloured, and the other black, with a white flank and four white feet, were sold to Andrew Clerksone at Blaigburne mylne, as the supplicant has only recently learned, so that he could not formerly convene Fol. 157, b. him before thair Lordships. He now craves that warrant be granted to John, Lord Torphichen, to cite the said Andrew Clerksone before him and examine him as to his acquisition of these oxen, test the same, if they be yet in his possession, and if they are found to agree with those stolen from the supplicant to cause them be delivered to him; or if the said oxen have been sold to any others, to deal with them in like manner; or if the oxen be dead to cause the said Andrew to deliver to the supplicant such price as he received from the buyers for them. The Lords grant warrant as craved.

Supplication by John Erskine, burgess of Montrose, for protection that he may settle his affairs.

Supplication by John Arskyne, burgess of Monros, as follows:—He is very desirous to pay his debts by selling his lands, and he would accomplish the satisfaction of his creditors thus if he had opportunity of going about the country in safety to bargain with gentlemen of quality about them, and obtain the advice of lawyers. He therefore craves their Lordships' protection. This the Lords grant until 1st January next.

Protection to Patrick Fleming and John Fleming.

"The lyke protection grantit to Patrick Fleeming in Bellochan and John Fleeming in Biggar to Yuile nixt, and to James Crawfurde till the first of Januar nixt." Decreta November 1633-April 1635. Fol. 157, b.

Edinburgh, 18th September 1634.

"The quhilk day the rolls of the justices of peace wer perused and allowed and ane signature past and exped thereanent." Sederunts, November 1629-January 1635. Fol. 129, b.

Justices of the Peace.

Edinburgh, 18th September 1634. Commissions for Justices of the Peace.

"The whilk day the whole commissions for the Justices of Peace wer ordained to be renewed, and choise wes made of the persons particularlie underwrittin to be justices of peace within the bounds of the shirefdomes, stewartreis and baillereis underwrittin, they ar to say:— Justices of Peace, 1612-1639. Fol. 44, a.

Justices of Peace for Edinburgh.

EDINBURGH PRINCIPALL.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Secreit Counsell and Session, the Erle of Lothiane, the Erle of Dalhowssie, the Bishop of Edinburgh, the Lord Cranstoun, the Lord Forrester, the laird of Innerleith, Sir Williame Nisbitt of Deane, Williame Dick of Braid, Henrie Nisbit, portioner of Restalrig, Sir Thomas Thomesoun of Duddingstoun, Sir James Hamiltoun of Preistfeild, James Rig of Carbarrie, David Prestoun of Quhythill, Alexander Hay of Monktoun, Mr James Raith of Edmistoun, Williame Murrey of Natoun, the laird of Lugtoun, the laird of Craigmiller, the laird of Nidrie, Mr George Winrahame of Libbertoun, Mr Robert Cas of Fordell, the laird of Rosline, Sir John Nicolsoun of Lesuade, Sir Johne Murrey of Philiphauche, Sir Patrik Hamilton of Little Preston, James Pringill of Torsons, Mr Simoun Ramsay of Quhythill, the laird of Haltoun, the laird of Dalmahoy, Sir Lewes Lawder of Adistoun, the laird of Colintoun, the laird of Ridhall, Laurance Scot of Bavela, Adame Cuninghame of Wodhall, Johne Cowper of Gogar, Sir Thomas Hope younger of Grantoun, Mr Johne Cant of Lawristoun, Mr William Adamsoun of Craigruk, Mr Thomas Young of Leny, Mr David Mitchell, minister at Edinburgh, Mr William Wishart, person of Restalrig, Mr Andro Lermonth, minister at Libbertoun, Mr William Maxwell, minister at Stow, Mr Mathow Wemes, minister at Halyrudhous, Mr William Coline, minister at Cramond: The laird of Lugtoun, conveenner.

Justices of Peace for Haddington.

CONSTABULARIE OF HADINTON.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Bishop of Edinburgh, the laird of Fawside, the laird of Prestoun, the laird of Gosfurd, the laird of Saltcoits, the laird of Wauchtoun, George Home of Furde, Mr Johne Hepburne of Gilmertoun, Mr Johne Hepburne of Smetoun, Sir Patrik Murrey of Elibank, the laird of Adistoun, Sir Johne Seatoun of Barns, Johne Sinclar of Steinstoun, the laird of Kilspindie, the laird of Rouchla, the laird of Quhittinghame, the laird of Colstoun, the laird of Hirdmistoun younger, the laird of Ormestoun, the Laird of Elphinstoun, Sir William Seatoun, Mr Robert Balcanquall, minister at Tranent: Sir Patrik Murrey, conveenner. Fol. 44, b.

Justices of Peace, 1612-1639.

Fol. 45, a.

BERUICK.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Bishop of Edinburgh, the laird of Wedderburne, the laird of Blacader, the laird of Swintoun, the laird of Langtoun, Johne Home of Rentoun, Johne Ramsay of Edingtoun, Sir George Ramsey of Wyliecleuch, Sir Alexander Nisbit of that Ilke, Sir Patrik Home of Ridbraes, Sir James Dowglas of Mordingtoun, Sir James Nicolson of Colbrandspeth, Johne Wilkie of Foulden, Mr Alexander Belseis of Tofts, Robert Dowglas of Blaikerstoun, Johne Stewart of Coldinghame, James Cokburne of Rysla, the laird of Cokburne, Christopher Cokburne of Chously, James Rentoun of Billie, Captane James Hay of Quhitsome, George Achinleck of Cumledge, Mr Joseph Johneston of Hiltoun, George Broun of Thornidykes, Peter Home of Harcars, the laird of Gradin, George Trotter of Printonane, Home of Rowistoun, Robert Edyer of Wedderslie, Robert Dickson of Buchtrig, Johne Gaits minister and Bonkill, Mr Christopher Knolls, minister at Coldingam, Mr Johne Clapperton, minister at Ednem, Mr Alexander Kinner, person of Quhitsom, Mr Thomas Ramsay, minister at Foulden: James Cokburne of Rysla, conveenner. Justices of Peace for Berwick.

Fol. 45, b.

ROXBURGH.—The Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, Sir William Dowglas of Cavers, Sir William M^c^Dougall of M^c^Karstoun, Sir Walter Riddell of that Ilke, Sir James Pringill of Smailholmecraigs, Johne Rutherfurde of Hunthill, Johne Turnbull of Minto, Gilbert Elliot of Stobs, Johne Ker appearand of Lochtour, Robert Pringill of Stitchell, Robert Elliot of Fawneshe, William Dowglas of Bonjedburgh, Mr George Dowglas appearand therof, Sir Thomas Ker of Gaitside, Andro Ker of Lintoun, Andro Ker of Gradin, Sir Thomas Ker of Cavers, Andro Ker of Broomland, Andro Ker of Massindew, Walter Veitche of Northswintoun, George Rutherfurd of Farintoun, Andro Ker of Roxburgh, Johne Halyburtoun of Murros, Johne Halyburtoun, fear therof, James Pringill of Buckholme, Mr Thomas Forrester, minister at Melros, Mr Walter Scot, minister at Cassiltoun, Mr Thomas Bennet, parson of Ancrum, Mr Robert Knox, minister at Kelso, Mr Francis Harvie, parson of Yettom: the said Sir Williame Dowglas, conveenner. Justices of Peace for Roxburgh.

Fol. 46, a.

SELKIRK.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Secreit Counsell and Session, Sir Johne Murray of Philiphauche, Sir William Scot of Harden, Sir James Murrey of Falahill, Hew Scot of Gallascheillis, George Pringill of Torwodlie, James Pringill of Cadounlie, Andro Riddell of Hayning, Mr Robert Elliot, younger of Stobo, Robert Scott of Dryup, Francis Scot of South Sintoun, Johne Murrey of Sundhope, Robert Elliot of Fallineshe, Robert Scot of Hartwodmyres, James Pringill of Quhytbank, Andro Ker, shireff deput of Selkirk: the said laird of Harden, conveenner. Justices of Peace for Selkirk.

Justices of Peace for Peebles.

PEEBLES.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Lord Yester, the Laird of Blackbarrony, the laird of Dawick, the laird of Skirline, the laird of Rachans, the laird of Romanno, the laird of Smithfeild, the laird of Horsburgh easter, Cranstoun of Glen, Scot of Hundillishope, Burnet younger of Barns, the laird of Hinderland, the laird of Posso, the laird of Cairdrono, Sir David Murrey of Stanhops, Jonas Hamilton of Quotquot, Mark Hamiltoun of Neather Urd, Mr James Lawson of Carnmure, Malcolme Inglis of Menerheid, Mr Theodor Hay, archdeane of Glasgow: the said Mr James Lawson, conveenner. Justices of Peace, 1612-1639. Fol. 46, b.

Justices of Peace for Lanark.

LANERK.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Marques of Dowglas, the laird of Minto, Sir Archibald Stewart of Castlemilk, the laird of Torrens, the laird of Carh . . . . , the laird of Blanterferme, Mr James Mureheid of Bredithoms, the laird of Hags, Mr James Baillie of Carnbrow, Johne Hamiltoun of Orbistoun, the laird of Halhill, the baillie of Monkland, the laird of Saskene (?), the laird of Ardrie, the laird of Kipbyre, the laird of Lauchop younger, the laird of Clelland, the laird of Murdestoun, the laird of Allantoun, the laird of Udstoun, Sir James Somervell of Camnethan, the laird of Roploch, Sir James Hamiltoun of Trowyhill, Robert Hamiltoun of Milburne, Hamiltoun of Dalserfe, Hamiltoun of Gardin, the laird of Calderwod, Mr Thomas Dalyell of Johnestoun, the laird of Lee elder and yonger, Lindsey of Belstane, the laird of Blaikwod, the laird of Carmichell, the laird of Stanebyres, Robert Baillie of Wolstoun, the laird of Hillis, the laird of Prestane, Inglis of East Sheill, Weir of Cloburne, Baillie of St. Johnskirk, the laird of Coulteraws, the laird of Balkie, the laird of Glaspen, the baron of Carstairs, the laird of Lamingtoun, Mr James Hamilton, dean of Glasgow, Doctor Walter Quhytfurd, sub-deane, Mr Robert Hamiltoun, minister at Lesmahagow, Mr Johne Strang, principall of the colledge of Glasgow: the said laird of Minto, conveenner. Fol. 47, a.

Justices of Peace for Dumfries.

DUMFREIS.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Nithsdaill, the Erle of Quenisberrie, the Lord Hereis, the Lord Dalyell, the laird of Lag, Robert Crichtoun of Ryhill, Duncane Hunter of Ballaggan, James Dowglas of Mortoun, Mr Samwell Kirkpatrik of Achinleck, Thomas Kirkpatrik of Closburne, Johne Roome of Daswintoun, the laird of Amisfeild, Sir John Maxwell of Conhaith, Edward Maxwell of Yle, Robert McBrair of Almigill, Archibald Maxwell of Cowhill, Robert Maxwell of Portarack, Johne Maxwell of Gribtoun, Johne Dalyell of Newtoun, Johne Wilsoun of Croglen, Johne Dowglas of Killivarran, Williame Ferguson of Craigdaroch, Stevin Lawrie of Fol. 47, b.

Justices of Peace, 1612-1629.

Maxweltoun, Mr Thomas Ramsey, minister at Dumfreis, Mr Johne McMillan, parson of Sanquhar: the said laird of Lag, conveenner.

Fol. 48, a.

Justices of Peace for the Stewartry of Annandale.

STUARTRIE OF ANNERDAILL.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Lord Johnestoun, Robert Maxwell of Dinwiddy, Robert Charters of Bodisbek, James Douglas of Moussell, James Johnestoun of Thornik and Corheid, Murrey of Dumcreiff, Edward Johnestoun of Ryhill, Robert McBrair of Almigill, Andro Murrey of Moriquhat, Mr Johne Alexander, parson of Hoddom, Mr George Buchanan, parson of Kirkpatrik juxta, Johne Richartsoun, stewart clerk of Annerdaill: the said Robert Charters, conveenner.

Fol. 48, b.

Justices of Peace for Wigtown.

WIGTOUN.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Cassillis, the Bishop of Galloway, Sir Patrik Agnew of Lochnaw, Sir Johne McDougall of Garthland, Androw Agnew of Cultis, Alexander McDougall of Logane, Uthrid McDougall of Frewche, Johne Gordoun of Barskeoch, Johne McCulloch of Ardwell, Johne Murrey of Brouchtoun, Andro McDougall of Killaister, Hew Gordoun of Grange, Alexander Gordoun of Auchlaine, Gilbert Neilson of Craigcaffie, Alexander Stewart of Fisgill, Patrik Vaus of Lybrack, Williame Agnew of Cloack, William Baillie of Blairshinnoch, Johne Kennedie of Knockdaw, Mr Gilbert Powre, minister at , Mr Abraham Henderson, minister at Quhitterne, Mr Alexander Hamiltoun, minister at : the said Johne Murrey of Brouchtoun, conveenner.

Fol. 49, a.

Justices of Peace for the Stewartry of Kirkcudbright.

STEUARTRIE OF KIRKCUDBRIGHT.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Nithsdaill, the Bishop of Galloway, Sir Patrick McKie of Lurg, James Chalmers of Gatgirth, Johne Broun of Carsluith, Johne Foullertoun of Carletoun, Williame Gordoune of Kirkconnell, Johne Gordoun of Cardines, William Greirson of Bargaltoun, Thomas McClellan of Chappeltoun, Johne Maxwell of Newlaw, Thomas Liddisdaill of Yle, Johne Lennox younger of Caillie, James Lindsey of Wauchope, Robert Lindsey of Maynes, Johne Maxwell of Hillis, Johne Glendoning of Partan, William Glendoning of Laggane, George Glendonning of Mochrum, Mr Gilbert Gordoun of Schirmers, James Gordoun brother to Troquhain, Alexander Gordoun of Erlestoun, William McAdam of Waterheid, Johne Maxwell of Threemerkland, Johne Broun of Mollance, Harbert Maxwell of Kirkconnel, Johne Stewart of Allans, Lancelot Greirsoun of Dalskey, Mr Gawin Maxwell, minister at Kirkanders, Mr James Scot minister at Terregles, Mr James Irwing, minister at Partan: the said James Chalmers of Gatgirth, conveenner.

Fol. 49, b.

Justices of Peace for Linlithgow.

LINLITHGOW.—The Lord Chanceller, the Archbishop of St Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Abercorne, the Bishop of Edinburgh, the Lord Torphichin, the laird of Dundas, William Drummond of Rickartoun,

Walter Cornwall of Bonhard, Alexander Hamilton of Binning, Mr Alexander Hamiltoun of Kinglas, Thomas Dalyell of Binns, Robert Drummond of Medhope, Mr George Dundas of Maner, Johne Dundas of Newlistoun, Mr Johne Scharp younger of Howstoune, Walter Murrey of Livingstoun, Mr Johne Drummond of Wodcokdaill, Mr James Hamiltoun of Westport, Mr Robert Boyd of Kips, Sir Alexander Hamiltoun of Bancreiff, Robert Hamiltoun of Bathgat, John Hamiltoun of Boghall, James Cochrane of Babachla, Mr William Drummond of Hathornden, Alexander Hamiltoun of Murhous, James Inglis of Inglistoun, Mr George Hannay, minister at Torphichin: Johne Dundas of Newliston, conveenner. Justices of Peace, 1612-1639. Fol. 49, b.

Justices of Peace for Stirling.

STIRLINE.—The Lord Chanceller, the Bishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, the Bishop of Dumblane, Sir George Stirline of Keir, Archibald Edmonstoun of Duntreth, David Grahame of Fintrie, Sir William Murrey of Touchadame, Johne Cuninghame of Drumquhassill, Adame Cuninghame of Boquhen, Mr William Cuninghame of Bandalloch, Walter Buchannan of Drumnakill, Mungo Stirline of Glorat, Sir Johne Stirline of Carden, Mr Robert Naper of Culcreuche, Johne Areskine of Balgonie, Michael Elphinstoun of Querrell, Sir James Bruce of Pouffoullis, William Livingstoun of Westquarter, Johne Livingstoun of Hayning, Alexander Bruce of Alva, Mr Robert Murrey of Livelands, Mr Johne Hay of Kennet, Mr Thomas Nicolson of Carnok, Mr Thomas Spittell, parson of Fawkirk, Mr William Justice, minister at Gargunnoch, Mr James Edmonstoun, minister at St. Ninians, Mr Alexander Norie, minister at Donypace, Mr Harie Livingstoun, minister at Kippan: the said laird of Duntreth, conveenner. Fol. 50, a.

Justices of Peace for Kyle Stewart.

KYLESTEUART.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Lord of Lowdoun, Sir Hew Wallace of Cragie, Sir Williame Cuninghame of Caprintoun, James Chalmers of Gatgirth, Johne Foullertoun of Dreghorne, David Blair of Adamtoun, David Dumbar of Enterkine, Mathow Wallace of Dundonnald, William Stewart of Halrig, Harie Stewart of Barskimming, Johne Foullertoun of Corsebie, Allan Cathcart of Brounhill, Williame Wallace of Smeithstoun, William Wallace of Elderslie, William Wallace of Preistickschaw, Mr William Cuninghame of Brounhill; the said laird of Caprintoun, conveenner. Fol. 50, b.

Justices of Peace for Carrick.

CARICT.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Cassillis, the Erle of Carict, Thomas Kennedie of Ardmillen, Hew Kennedie younger thereof, Johne Mure of Achindraine, Sir Johne Hamilton of Bargane elder, Mr Rawfe Weir of Bennan, William Montgomerie of Brigend, Gilbert Neilsoun of Craigcaffie, Robert M^c^Alexander of Corsclayes, Sir Alexander Kennedie of Culzeane, Hew Kennedie of Drummellane, David Kennedie of Garrihorne, Mr James Bonar of Fol. 51, a.

Justices of Peace, 1612-1639. Fol. 51, a.

Darrayes, Hew Kennedie of Girvanmaynes, David Kennedie of Glenmuck, Johne M°Ilveane of Drummet, Mungo Schaw of Drummet Ovir, Johne Schaw of Keiris, Johne Corrie of Kelwod, David Crawfurd of Kers, Johne Eckills of Kildonnan, Mr Johne Fergusoun of Kilkerrane, David Kennedie of Kirkmichell, Thomas Kennedie younger thereof, Johne Kennedie of Knokdaw, Alexander Maxwell of Knokdolian, Walter Kennedie of Knockdaw, Mr James Inglis of Montgomristoun, Johne Kennedie of Mounsion, Thomas Davidsoun of Pennyglen, Thomas Boyd of Pinkhill, Thomas Kennedie of Pinquhirrie, Mr Johne Chalmers of Sauchrie, Johne Kennedie of Smeithstoun, Williame Cathcart of Naireheid, Mr Gilbert Ros, minister at Cammounell: the said David Kennedie of Kirkmichell, conveenner.

Fol. 51, b.

CUNINGHAME.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Eglinton, the Lord Sempill, the Lord Lowdoun, Bryce Blair of that Ilke, Sir Bryce Blair younger thereof, Sir William Cuninghame of Cuninghamheid, Sir William Mure of Rowallan elder and younger, Johne Crawfurd of Kilbirnie, Neill Montgomrie of Langschaw, Sir David Cuninghame of Robertland, Sir Robert Montgomerie of Skelmurlie, Robert Montgomrie of Hessilheid, Alexander Cuninghame of Corsehill, Johne Fraser of Knock, Johne Boill of Kelburne, Patrik Schaw of Kelsoland, Robert Fairlie of that Ilke, Alexander Cuninghame of Waterstoun, Robert Boyd of Portincroce, Hew Ker of Kersland, Johne Dunlop of that Ilke, Gabriel Porterfield of Hapland, James Cuninghame of Aiket, William Hamiltoun of Brounmure, Johne Montgomrie of Cokilbie, Williame Dunlop of Craig, James Mure of Thornetoun, Johne Hamiltoun of Grange, John Crawfurd of Crawfurdland, Mr Gawin Blair of Aldmure, Robert Barclay of Perstoun, David Blair younger of Adamtoun, Robert Fergushill of that Ilke, Alexander Cuninghame of Montgrenan, Thomas Neving of Monkredding, James Scot of Clonbeith, Mr Gawin Hamiltoun of Ardoch, Patrik Crawfurd of Auchnames, Mr William Wallace, minister at Kilmarnock: the said Bryce Blair of that Ilke, conveenner. Justices of Peace for Cunninghame.

Fol. 52, a.

DUMBARTANE.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Montrose, Walter M°Awlay of Ardincaple, John Naper of Kilmahew, William Sempill younger of Foulwod, Johne M°Farlan of Arroquhat, Umphra Nobill of Ardardane, Umphra Colquhoun of Balvie, Sir Archibald Dowglas younger of Maynes, John Bontein of Ardoch, Arthure Darleith of that Ilke, Andro Stirline of Law, Robert Colquhoun of Ballarnik, Mungo Lindsey of Bonyll, Johne Dennistoun of Dalquhornie, Hew Crawfurd of Cloberhill, Mr George Lindsey, minister of Rosnethe: the said Laird of Ardincaple, conveener. Justices of Peace for Dumbarton.

BUTE.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, Justices of Peace for Bute.

Sir Robert Montgomerie of Lochransay, Paul Hamilton, captan of Arran, Hector Bannatyne of Kames, Niniane Stewart of Kilkattane, John Stewart of Askog, John Stewart fear of Roisland, Johne Stewart of Ambrismoir, Williame Stewart fear thereof, Niniane Cuninghame of Scoulak, Johne Cuninghame fear thairof, Niniane Spence of Westerkames, Robert Jamesoun of of Bute, Neill McNeill of Kilmorie, Niniane Stewart of Largiziane, Niniane Bannatyne of Kerelamont, Archibald Stewart of Kilquhuilick, Edmund Stewart of Maiknoche, Johne Stewart of Over Kirktoun, Robert Campbell of Tawnie, John Boill of Ballochmartine: the said Niniane Stewart of Kilkattane, conveenner. Justices of Peace, 1612-1639. Fol. 52, a.

Justices of Peace for Fife.

FYFFE.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Rothes, the Erle of Wemes, the Lord Lindsey, the Lord Burley, Johne Leslie of Newtoun, John Lundie of that Ilke, Sir Johne Boswell of Balmowto, Sir Johne Prestoun of Airdrie, Sir David Barclay of Cullernie, William Sandelands of St. Monans, elder and younger, William Bruce of Erlshall, Alexander Cunningham of Barns, Thomas Morton of Cambo, Robert Forbes of Reres, David Beatoun of Balfour, elder and younger, Sir Andro Murrey of Balvaird, Sir Michael Arnot of that Ilke, David Pitcarne of that Ilke, James Stewart of Rassythe, Johne Hendersoun of Fordell, James Crichtoun of Abercromby, Sir James Sibbald of Rankeillour Over, James McGill of Rankeillour Neather, Sir Robert Halkheid of Pitfirrane, Sir Robert Colvill of Cleishe, John Boswell of Pittedie, Sir George Hamiltoun of Blaikburne, Sir David Achinmowtie of that Ilke, James Clerk of Balbirnie, David Clepan of Carslogie, James Law of Bruntoun, Patrik Pitcarne of Pitlow, Patrik Kyninmont of that Ilke, James Arnot [of] Firnie, Mr Peter Hay of Nauchton, Patrik Seatoun of Lathreisk, David Wemes of Rumgellie, George Hamilton, fear of Kilbrakmonth, Johne Carstairs of Cassingray, Johne Moncreiff of Balcaskie, David Kynneir of that Ilke, Alexander Narne of Sandfurde, Henrie Kynneir of Forret, James Lindsey of Kilquis, Sir James Scot of Rossie, Sir Michael Balfoure of Deanmiln, Broun of Finmonth, Melvill of Raith, Mr James Reid of Pitlethie, Michael Balfoure of Grange, Robert Paterson of Dunmure, Mr Alexander Gibson of Largo, Mr Andro Aittoun of Logie, David Wemes of Fingask, Henrie Wemes of Futhie, Doctor Alexander Gledstans, archdean of St. Androis, Doctor Johne Dowglas, parson of Craill, Mr Thomas Dowglas, minister at Balmerinoch, Mr Henrie McGill, minister at Dumfermline, Doctor Andro Lamount, minister at Markinche, Mr Thomas Cowper, minister at Sawline: the said Laird of Reres, conveenner. Fol. 52, b.

Justices of Peace for Perth.

PERTH.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Montrois, the Erle of Atholl, the Vicount of Fol. 53, a.

Justices of Peace, 1612-1589. Fol. 53, a.

Stormont, the Bishops of Dunkeld and Dumblane, the Lord Oliphant, Sir Robert Bruce of Clackmannan, Sir Patrik Ogilvie of Inchemartine, Sir Thomas Blair of Baltheyock, Sir Peter Hay of Meginche, Sir Patrik Hay of Pitfoure, Patrik Kinnaird of Incheture, Peter Hay of Leyes, James Monorgan of that Ilke, Laurence Mercer of Meginche, Williame Kinnan of Hill, George Drummond of Blair, David Rattray of Craighall, George Campbell, fear of Kethick, Sir Johne Blair of Balgillo, Gilbert Ramsay of Bamff, James Blair of Ardblair, Patrik Butter of Gormock, Laurence Mercer of Miklour, Alexander Robertson of Straloch, David Spaldine of Eshintullie, Alexander Robertsoun of Downie, Sir Coline Campbell of Glenurquhy, Sir Alexander Meinyes of that Ilke, Sir James Campbell of Lawers, Mungo Campbell, fear thairof, Alexander Robertson, fear of Strowan, Duncan Campbell of Glenlyoun, Alexander Robertson of Lud, Robert Stewart of Balliachan, Mr James Stewart of Ladywell, Sir Williame Stewart of Garntullie, Sir Thomas Stewart, his sone, Mr Robert Narne of Strathurd, Mr Francis Hay of Balhoussie, Sir Johne Prestoun of Walifeild, Sir Johne Blacader of Tulliallane, Hamiltoun of Blair, Sir Johne Moncreiff of that Ilke, Sir Johne Moncreiff of Kynmonth, Sir Johne Dundas of Fingask, David Carmichael of Balmedoe, Sir Williame Achinleck, fear of Balmanno, Mathow Moncreiff of Kintillo, Sir Andro Rollock of Duncrub, Sir James Rollock, fear thairof, Sir James Drummond of Machanie, Johne Halden of Glennegeis, Johne Grahame of Urchill, Williame Stirline of Ardoch, Mr Williame Murrey of Auchtertyre, Johne Grahame of Balgoun, Mr George Grahame fear of Inchebrakie, Johne Oliphant of Bachiltoun, Sir Williame Murrey of Abircarnie, George Hay of Killour, Sir James Chisholme of Cromlix, Sir George Muschet of Burnbanke, Johne Edmistoun of Newtoun, Mr James Grahame of Monzeis, Johne Grahame of Rednoch, Williame Stirline of Achyle, Moncur of that Ilke, Wod of Balbegno, Mr James Robertson, minister at Perth, Mr James Person, deane of Dumblane, Mr James Drummond, minister at Fowllis, Mr Johne Graham, minister at Abruthven, Mr Alexander Bruce, minister at Teallin, Mr George Symmers, minister at Migill, Mr Johne Rattray, minister at Rattray, Mr William Young, minister at Cluny, Mr William Glas, minister at Dunkelden, Mr Alexander Ireland, minister at Dinclevin, Mr William Row, younger, minister at Forgandenny, Mr Johne Fairbarne, minister at Madertie, Mr William Meinzeis, minister at Killinn, Mr Thomas Glas, minister at Keappat: the said laird of Inchemartine, conveenner.

Fol. 53, b.

Justices of Peace for Forfar.

FORFAR.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Brechin, the Lord Ogilvie, the Lord Gray, the Lord Spynie, the Lord Cowper, Sir Johne Scrimgeour of Duddope, Sir Johne Carnegie of Ethie, John Areskine of Dun, Sir Alexander Carnegie of Bonimun, James Scrimgeour appearand of Duddope, David Grahame of Fintrie,

Sir Robert Montgomerie of Lochransay, Paul Hamilton, captan of Arran, Hector Bannatyne of Kames, Niniane Stewart of Kilkattane, John Stewart of Askog, John Stewart fear of Roisland, Johne Stewart of Ambrismoir, Williame Stewart fear thereof, Niniane Cuninghame of Scoulak, Johne Cuninghame fear thairof, Niniane Spence of Westerkames, Robert Jamesoun of of Bute, Neill McNeill of Kilmorie, Niniane Stewart of Largiziane, Niniane Bannatyne of Kerelamont, Archibald Stewart of Kilquhuilick, Edmund Stewart of Maiknoche, Johne Stewart of Over Kirktoun, Robert Campbell of Tawnie, John Boill of Ballochmartine: the said Niniane Stewart of Kilkattane, conveenner. Justices of Peace, 1612-1639. Fol. 52, a.

Justices of Peace for Fife.

FYFFE.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Rothes, the Erle of Wemes, the Lord Lindsey, the Lord Burley, Johne Leslie of Newtoun, John Lundie of that Ilke, Sir Johne Boswell of Balmowto, Sir Johne Prestoun of Airdrie, Sir David Barclay of Cullernie, William Sandelands of St. Monans, elder and younger, William Bruce of Erlshall, Alexander Cunningham of Barns, Thomas Morton of Cambo, Robert Forbes of Reres, David Beatoun of Balfour, elder and younger, Sir Andro Murrey of Balvaird, Sir Michael Arnot of that Ilke, David Pitcarne of that Ilke, James Stewart of Rassythe, Johne Hendersoun of Fordell, James Crichtoun of Abercromby, Sir James Sibbald of Rankeillour Over, James McGill of Rankeillour Neather, Sir Robert Halkheid of Pitfirrane, Sir Robert Colvill of Cleishe, John Boswell of Pittedie, Sir George Hamiltoun of Blaikburne, Sir David Achinmowtie of that Ilke, James Clerk of Balbirnie, David Clepan of Carslogie, James Law of Bruntoun, Patrik Pitcarne of Pitlow, Patrik Kyninmont of that Ilke, James Arnot [of] Firnie, Mr Peter Hay of Nauchton, Patrik Seatoun of Lathreisk, David Wemes of Rumgellie, George Hamilton, fear of Kilbrakmonth, Johne Carstairs of Cassingray, Johne Moncreiff of Balcaskie, David Kynneir of that Ilke, Alexander Narne of Sandfurde, Henrie Kynneir of Forret, James Lindsey of Kilquis, Sir James Scot of Rossie, Sir Michael Balfoure of Deanmiln, Broun of Finmonth, Melvill of Raith, Mr James Reid of Pitlethie, Michael Balfoure of Grange, Robert Paterson of Dunmure, Mr Alexander Gibson of Largo, Mr Andro Aittoun of Logie, David Wemes of Fingask, Henrie Wemes of Futhie, Doctor Alexander Gledstans, archdean of St. Androis, Doctor Johne Dowglas, parson of Craill, Mr Thomas Dowglas, minister at Balmerinoch, Mr Henrie McGill, minister at Dumfermline, Doctor Andro Lamount, minister at Markinche, Mr Thomas Cowper, minister at Sawline: the said Laird of Reres, conveenner. Fol. 52, b.

Justices of Peace for Perth.

PERTH.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Montrois, the Erle of Atholl, the Vicount of Fol. 53, a.

Justices of Peace, 1612-1639. Fol. 53, a.

Stormont, the Bishops of Dunkeld and Dumblane, the Lord Oliphant, Sir Robert Bruce of Clackmannan, Sir Patrik Ogilvie of Inchemartine, Sir Thomas Blair of Baltheyock, Sir Peter Hay of Meginche, Sir Patrik Hay of Pitfoure, Patrik Kinnaird of Incheture, Peter Hay of Leyes, James Monorgan of that Ilke, Laurence Mercer of Meginche, Williame Kinnan of Hill, George Drummond of Blair, David Rattray of Craighall, George Campbell, fear of Kethick, Sir Johne Blair of Balgillo, Gilbert Ramsay of Bamff, James Blair of Ardblair, Patrik Butter of Gormock, Laurence Mercer of Miklour, Alexander Robertson of Straloch, David Spaldine of Eshintullie, Alexander Robertsoun of Downie, Sir Coline Campbell of Glenurquhy, Sir Alexander Meinyes of that Ilke, Sir James Campbell of Lawers, Mungo Campbell, fear thairof, Alexander Robertson, fear of Strowan, Duncan Campbell of Glenlyoun, Alexander Robertson of Lud, Robert Stewart of Balliachan, Mr James Stewart of Ladywell, Sir Williame Stewart of Garntullie, Sir Thomas Stewart, his sone, Mr Robert Narne of Strathurd, Mr Francis Hay of Balhoussie, Sir Johne Prestoun of Walifeild, Sir Johne Blacader of Tulliallane, Hamiltoun of Blair, Sir Johne Moncreiff of that Ilke, Sir Johne Moncreiff of Kynmonth, Sir Johne Dundas of Fingask, David Carmichael of Balmedoe, Sir Williame Achinleck, fear of Balmanno, Mathow Moncreiff of Kintillo, Sir Andro Rollock of Duncrub, Sir James Rollock, fear thairof, Sir James Drummond of Machanie, Johne Halden of Glennegeis, Johne Grahame of Urchill, Williame Stirline of Ardoch, Mr Williame Murrey of Auchtertyre, Johne Grahame of Balgoun, Mr George Grahame fear of Inchebrakie, Johne Oliphant of Bachiltoun, Sir Williame Murrey of Abircarnie, George Hay of Killour, Sir James Chisholme of Cromlix, Sir George Muschet of Burnbanke, Johne Edmistoun of Newtoun, Mr James Grahame of Monzeis, Johne Grahame of Rednoch, Williame Stirline of Achyle, Moncur of that Ilke, Wod of Balbegno, Mr James Robertson, minister at Perth, Mr James Person, deane of Dumblane, Mr James Drummond, minister at Fowllis, Mr Johne Graham, minister at Abruthven, Mr Alexander Bruce, minister at Teallin, Mr George Symmers, minister at Migill, Mr Johne Rattray, minister at Rattray, Mr William Young, minister at Cluny, Mr William Glas, minister at Dunkelden, Mr Alexander Ireland, minister at Dinclevin, Mr William Row, younger, minister at Forgandenny, Mr Johne Fairbarne, minister at Madertie, Mr William Meinzeis, minister at Killinn, Mr Thomas Glas, minister at Keappat: the said laird of Inchemartine, conveenner.

Fol. 53, b.

FORFAR.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Brechin, the Lord Ogilvie, the Lord Gray, the Lord Spynie, the Lord Cowper, Sir Johne Scrimgeour of Duddope, Sir Johne Carnegie of Ethie, John Areskine of Dun, Sir Alexander Carnegie of Bonimun, James Scrimgeour appearand of Duddope, David Grahame of Fintrie, Justices of Peace for Forfar.

Sir Robert Montgomerie of Lochransay, Paul Hamilton, captan of Arran, Hector Bannatyne of Kames, Niniane Stewart of Kilkattane, John Stewart of Askog, John Stewart fear of Roisland, Johne Stewart of Ambrismoir, Williame Stewart fear thereof, Niniane Cuninghame of Scoulak, Johne Cuninghame fear thairof, Niniane Spence of Westerkames, Robert Jamesoun of of Bute, Neill McNeill of Kilmorie, Niniane Stewart of Largiziane, Niniane Bannatyne of Kerelamont, Archibald Stewart of Kilquhuilick, Edmund Stewart of Maiknoche, Johne Stewart of Over Kirktoun, Robert Campbell of Tawnie, John Boill of Ballochmartine: the said Niniane Stewart of Kilkattane, conveenner. Justices of Peace, 1612-1639. Fol. 52, a.

Justices of Peace for Fife.

FYFFE.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Rothes, the Erle of Wemes, the Lord Lindsey, the Lord Burley, Johne Leslie of Newtoun, John Lundie of that Ilke, Sir Johne Boswell of Balmowto, Sir Johne Prestoun of Airdrie, Sir David Barclay of Cullernie, William Sandelands of St. Monans, elder and younger, William Bruce of Erlshall, Alexander Cunningham of Barns, Thomas Morton of Cambo, Robert Forbes of Reres, David Beatoun of Balfour, elder and younger, Sir Andro Murrey of Balvaird, Sir Michael Arnot of that Ilke, David Pitcarne of that Ilke, James Stewart of Rassythe, Johne Hendersoun of Fordell, James Crichtoun of Abercromby, Sir James Sibbald of Rankeillour Over, James McGill of Rankeillour Neather, Sir Robert Halkheid of Pitfirrane, Sir Robert Colvill of Cleishe, John Boswell of Pittedie, Sir George Hamiltoun of Blaikburne, Sir David Achinmowtie of that Ilke, James Clerk of Balbirnie, David Clepan of Carslogie, James Law of Bruntoun, Patrik Pitcarne of Pitlow, Patrik Kyninmont of that Ilke, James Arnot [of] Firnie, Mr Peter Hay of Nauchton, Patrik Seatoun of Lathreisk, David Wemes of Rumgellie, George Hamilton, fear of Kilbrakmonth, Johne Carstairs of Cassingray, Johne Moncreiff of Balcaskie, David Kynneir of that Ilke, Alexander Narne of Sandfurde, Henrie Kynneir of Forret, James Lindsey of Kilquis, Sir James Scot of Rossie, Sir Michael Balfoure of Deanmiln, Broun of Finmonth, Melvill of Raith, Mr James Reid of Pitlethie, Michael Balfoure of Grange, Robert Paterson of Dunmure, Mr Alexander Gibson of Largo, Mr Andro Aittoun of Logie, David Wemes of Fingask, Henrie Wemes of Futhie, Doctor Alexander Gledstans, archdean of St. Androis, Doctor Johne Dowglas, parson of Craill, Mr Thomas Dowglas, minister at Balmerinoch, Mr Henrie McGill, minister at Dumfermline, Doctor Andro Lamount, minister at Markinche, Mr Thomas Cowper, minister at Sawline: the said Laird of Reres, conveenner. Fol. 52, b.

Justices of Peace for Perth.

PERTH.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Montrois, the Erle of Atholl, the Vicount of Fol. 53, a.

Justices of Peace, 1612-1639. Fol. 53, a.

Stormont, the Bishops of Dunkeld and Dumblane, the Lord Oliphant, Sir Robert Bruce of Clackmannan, Sir Patrik Ogilvie of Inchemartine, Sir Thomas Blair of Baltheyock, Sir Peter Hay of Meginche, Sir Patrik Hay of Pitfoure, Patrik Kinnaird of Incheture, Peter Hay of Leyes, James Monorgan of that Ilke, Laurence Mercer of Meginche, Williame Kinnan of Hill, George Drummond of Blair, David Rattray of Craighall, George Campbell, fear of Kethick, Sir Johne Blair of Balgillo, Gilbert Ramsay of Bamff, James Blair of Ardblair, Patrik Butter of Gormock, Laurence Mercer of Miklour, Alexander Robertson of Straloch, David Spaldine of Eshintullie, Alexander Robertsoun of Downie, Sir Coline Campbell of Glenurquhy, Sir Alexander Meinyes of that Ilke, Sir James Campbell of Lawers, Mungo Campbell, fear thairof, Alexander Robertson, fear of Strowan, Duncan Campbell of Glenlyoun, Alexander Robertson of Lud, Robert Stewart of Balliachan, Mr James Stewart of Ladywell, Sir Williame Stewart of Garntullie, Sir Thomas Stewart, his sone, Mr Robert Narne of Strathurd, Mr Francis Hay of Balhoussie, Sir Johne Prestoun of Walifeild, Sir Johne Blacader of Tulliallane, Hamiltoun of Blair, Sir Johne Moncreiff of that Ilke, Sir Johne Moncreiff of Kynmonth, Sir Johne Dundas of Fingask, David Carmichael of Balmedoe, Sir Williame Achinleck, fear of Balmanno, Mathow Moncreiff of Kintillo, Sir Andro Rollock of Duncrub, Sir James Rollock, fear thairof, Sir James Drummond of Machanie, Johne Halden of Glennegeis, Johne Grahame of Urchill, Williame Stirline of Ardoch, Mr Williame Murrey of Auchtertyre, Johne Grahame of Balgoun, Mr George Grahame fear of Inchebrakie, Johne Oliphant of Bachiltoun, Sir Williame Murrey of Abircarnie, George Hay of Killour, Sir James Chisholme of Cromlix, Sir George Muschet of Burnbanke, Johne Edmistoun of Newtoun, Mr James Grahame of Monzeis, Johne Grahame of Rednoch, Williame Stirline of Achyle, Moncur of that Ilke, Wod of Balbegno, Mr James Robertson, minister at Perth, Mr James Person, deane of Dumblane, Mr James Drummond, minister at Fowllis, Mr Johne Graham, minister at Abruthven, Mr Alexander Bruce, minister at Teallin, Mr George Symmers, minister at Migill, Mr Johne Rattray, minister at Rattray, Mr William Young, minister at Cluny, Mr William Glas, minister at Dunkelden, Mr Alexander Ireland, minister at Dinclevin, Mr William Row, younger, minister at Forgandenny, Mr Johne Fairbarne, minister at Madertie, Mr William Meinzeis, minister at Killinn, Mr Thomas Glas, minister at Keappat: the said laird of Inchemartine, conveenner.

Fol. 53, b.

Justices of Peace for Forfar.

FORFAR.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Brechin, the Lord Ogilvie, the Lord Gray, the Lord Spynie, the Lord Cowper, Sir Johne Scrimgeour of Duddope, Sir Johne Carnegie of Ethie, John Areskine of Dun, Sir Alexander Carnegie of Bonimun, James Scrimgeour appearand of Duddope, David Grahame of Fintrie,

Thomas Ogilvie of that Ilke, Sir Harie Wod of Bonytoun, Sir William Grahame of Claverhous, Thomas Fothringhame of Powrie, James Lyoun of Aldbar, Lindsey, fear of Edyell, Friderick Lyoun of Brigtoun, Sir Thomas Wentoun of Strickmartine, William Durhame of Grange, Alexander Guthrie of Kincaldrum, Sir Johne Ogilvie of Innerquarritie, Francis Ogilvie of Newgrange, James Crichtoun of Rathven, Mr George Grahame of Goterstoun, James Durhame of Pityarrow, Mr James Durhame of Kinnell, George Halyburtoun of Killour, Johne Nevay of that Ilke, Robert Arbuthnet of Findowrie, Patrik Livingstoun of Barounie, David Lindsey of Pitscandlie, Johne Scrimgeour of Kirktoun, Alexander Lindsey of Pitterlie, Henrie Mauld of Dumbarrow, Guthrie of Collestoun, Mr James Guthrie, parson of Kinnell, Mr Silvester Lammy, minister at Glams, Mr William Malcolme, minister at : the said Thomas Fothringame of Powrie, conveenner. Justices of Peace, 1612-1639. Fol. 53, b. Fol. 54, a.

Justices of Peace for Aberdeen.

ABERDEIN.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Marqueis of Huntlie, the Erle of Dunfermline, the Bishop of Aberdein, the Bishop of Murrey, the Lord Forbes, the Lord Pitsligo, the Lord Fraser, the Maister of Forbes, Sir Alexander Irwing of Drum, Sir Alexander Gordoun of Cluny, Sir William Forbes of Monymusk, Thomas Crombie of Kemnay, Thomas Areskine of Balhaggartie, Mr Robert Gordoun of Straloch, Sir George Johnestoun of that Ilke, Johne Leslie of Boquhen, Johne Leslie, yonger of Pitcaple, Johne Forbes of Leslie, Alexander Seatoun of Pitmedden, James Crichtoun of Fendraucht, Williame Seatoun of Meldrum, Mr Patrik Maitlane of Achincreiff, Johne Gordoun, yonger of Buckie, Alexander Udnie of Ochterellon, Turing of Foverne, Johne Seatoun of Mynnes, Williame Forbes of Tolquhen, Walter Forbes of Thainstoun, George Gordoun, yonger of Geicht, Sir Williame Keith of Ludquharne, Johne Keith of Clakriache, Alexander Fraser, yonger of Phillorth, Thomas Fraser, yonger of Streachin, Johne Hay of Cremondmogat, Robert Irwing of Fedderat, Alexander Keith of Balmure, Mr James Buchan of Auchmacoy, Donald Ferquharson of Monaltrie, Robert Ferquharson of Finzeane, Williame Coutts, younger of Auchtertoull, Alexander Skeene of that Ilke, George Gordoun, younger of Tillichowdie, Alexander Abircromby of Pitmedden, Patrik Leith of Quhythauche, Magnus Mowat of Boquhallie, Walter Barclay of Towie, George Baird of Auchmedden, Sir Alexander Hay of Delgatie, Sir James Gordoun, elder of Lesmoir, Sir William Forbes of Craigiewar, James Cheyne of Arnage, Williame Seatoun of Scheathin, Alexander Strauchane of Glenkindie, Johne Gordoun of Innermerkie, George Gordoun of Coclarachie, Patrik Urquhart of Lethintie, Williame Seatoun of Udnie, Mr Robert Bissat of Lessindrum, Meldrum of Hiltoun, Alexander Lyoun of Muresk, Mr David Lindsey, minister at Belhelvie, Mr Johne Ros, minister at Birs, M Adame Barclay, minister at Aufurd, Mr Williame Strauchane, minister at Daviot, Mr Thomas Mitchell, minister at Tureff, Mr Thomas Rerers, minister at Lowmay, Mr Patrik Guthre,

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minister at Logybuchan, Mr Robert Hamilton, parson of Botarie, Mr William Milne, parson of Glas, Mr William Douglas, minister at Forge: the said Laird of Drum, conveenner.

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BAMF.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, George, Marques of Huntlie, James, Lord Ogilvie, James, Lord Desfurde, Patrik, Bishop of Aberdein, the Bishop of Murrey, Johne Gordoun, elder and yonger of Bucky, George Hay of Rannas, James Hay of Maldovat, Alexander Abircrombie of Birkinboig, Harie Gordoun of Glassauche, George Ogilvie of Halyairds, Thomas Abercromby of Skeith, Mr George Leslie in Cullen, Sir George Ogilvie of Bamff, Robert Wilsoun of Brakanhillis, George Mortimer of Achenbadie, James Crichtoun of Fendracht, Berold Inneis of Knokreith, Sir George Ogilvie of Carnowsseis, Walter Halket at the milne of Rothemay, Alexander Ogilvie of Kempcarne, Alexander Adamsoun of Brakie, Thomas Inneis of Pethnick, George Baird of Auchmedden, Patrik Gibsoun of Kilminitie, Johne Ogilvie of Milnetoun of Keith, Alexander Ogilvie of Knock of Strathyla, Robert Spence of Tulloch, George Gordoun, elder and younger of Baldornie, Alexander Gordoun of Birkinburne, Sir Robert Inneis of Balvenie, Adame Duff of Drummure, John Stewart of Ardbrack, Johne Gordoun of Innermerkie, Patrik Stewart of Kinmauchline, Sir James Gordoun of Lesmore, Brandane Baird of Northfeild, Walter Grant of Findoun, of Auchintoull, Mr Johne Logie, minister at Ruthven, Mr William Forbes, minister at Mortlack, Mr Johne Stewart, parson of Abirlour, Mr Joseph Brodie, parson of Keith: the Laird of Birkinboig, conveenner. Justices of Peace for Banff.

Fol. 55, a.

ELGINE AND FORRES.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Seafort, the Bishop of Murrey, the Lord Lovat, the Laird of Inneis, Mr Johne Inneis of Cokstoun, Alexander Inneis of Coittis, Johne Inneis of Leuchars, Robert Leslie of Finrassie, James Sutherland, tutor of Duffus, Thomas M'Keinzie of Pluscardin, Patrik Dumbar of Westertoun, Mr Johne Hay, commissar of Murrey, James Spence of Kirktoun of Alves, Mr Gavin Dumbar, chantor of Murrey, Patrik Grant of Elcheis, Mr William Cumine of Earneside, James Dumbar of Boigs, Alexander Dumbar of Grange, Robert Dumbar of Burgie, Niniane Dunbar of Grangehill, Alexander Brodie of Eastgrange, Tulloch of Tannachie, Mr Samwell Falconer of Kincorth, Dumbar of Dumphaill, Robert Dumbar of Easterburne, Hucheoun Ros of Killraack, William Ros, his brother, David Hay of Park, Patrik Grant of Ballindallach, Johne Grant, fear thairof, Mr John Guthre, parson of Duffus, Mr Johne Brodie, deane of Murrey: the said Robert Leslie of Finrassie, conveenner. Justices of Peace for Elgin and Forres.

NARNE.—The Lord Chanceller, the Archbishop of St Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Justices of Peace for Nairn.

Sessioun, the Bishop of Murrey, Johne Campbell, fear of Calder, Hucheoun Ross of Kilraack, Alexander Dumbar of Westgrange, David Hay of Lochloir, Johne Sutherland of Kinstarie, William Ros of Clava, Hay of Kinwiddie, Colin Campbell of Clunes, Dollas of Cantra: the Baron of Kilraack, conveenner. Justices of Peace, 1612-1639. Fol. 55, a.

Justices of Peace for Inverness.

INNERNES.—The Lord Chanceller, the Archbishop of St Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Marques of Huntlie, the Erle of Seafort, the Bishop of Murrey, the Bishop of Ros, the Lord Lovat, Sir John Grant of Frewchie, Hucheoun Ros of Kilraack, Patrik Grant of Ballindallach, Johne Grant, appearand thairof, McIntoshe of Borlum, Lauchlane McIntoshe of Callachie, Alexander McIntoshe of Aldgowrie, Alexander Baillie of Duneane, Thomas Fraser of Streachin, Hew Fraser of Culbokie, Thomas Fraser of Strow, Hew Fraser of Balladrum, Alexander McKeinyie of Garloch, Alexander McKeinyie of Coull, Sir Johne McKeinyie of Tarbet, Rorie McKeinyie of Ridcastell, John McKeinyie of Fairbarne, Sir Johne Gordoun of Embo, David Ros of Pitcalnie, Walter Ros of Innercharron, Sir Donnald McDonnald of Slait, Johne McCloud of Dynvegane, Mr Angus McIntoshe, parson of Kingussie, Mr William Clogie, minister at Innernes, Mr Patrik Durhame, deane of Ros, Mr George Monro, chanceller of Ros, Mr David Monro, minister at Killerne, Mr Murdo McKeinyie, minister at Dingwell, Mr Ferquhar McGie (?), minister at Kintaill, Mr Donald Clerk, minister at Lochchals: the Laird of Streachin, conveenner. Fol. 55, b.

Justices of Peace for Sutherland and Strathnaver.

SUTHERLAND AND STRATHNAVER.—The Lord Chanceller, the Archbishop of St. Andrews, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Sutherland, the Bishop of Caithnes, Sir Johne Gordoun of Embo, Oliver Gordoun of Drummoy, Hew Gordoun of Ballone, Robert Murrey of Spainyedaill, Robert Gray of Suordaill, Robert Gray of Creich, Walter Murrey of Pitgrudie, John McKy of Dilrett, Hew McKy of Ereboll, Donnald McCleod *alias* Neilson of Assint, Robert Monro of Assint, Robert Monro of Teonowar, Hector Monro of Findoun, Mr Johne Gray, minister at Dornoch, Mr Alexander Monro, minister at Culmaly, Mr James Gray, minister at Clyne, Mr James Thomsoun, minister at Loch, Mr Johne Sutherland, minister at Rogart, Mr David Monro, minister at Stronnitie, Alexander Monro, minister at Durnes: the said Sir Johne Gordon of Embo, conveenner. Fol. 56, a.

Justices of Peace for Caithness.

CAITHNES.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Caithnes, the Bishop of Caithnes, the Lord and Maister of Berridell, James Sinclair of Murkill, the Laird of May, elder and yonger, Alexander Sinclair, brother to the said Laird, the Laird of Dunbeith, the Laird of Fors, elder and yonger, Johne Sinclar of Scrabister, William Inneis of Sansett, Mr Johne Sinclar of Ulbister, Patrik Mowat of Swinzie, Mr William Abirnethie, minister at Thurso, Mr Andro Ogstoun, minister at Cannesby, Mr William Smith, minister at

Justices of Peace, 1612-1639.

Durnet, Mr Johne Smart, minister at Weik, Mr John Monro, minister at Ree, Mr David Monro, minister at Lathorne: the laird of May, elder, conveenner.

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Fol. 56, b.

Justices of Peace for Shetland.

ZETLAND.—The Lord Chanceller, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Orkney, James Sinclar of Quendaill, James Sinclar of Scalloway, Mr James Mowat of Garth, Mr Patrik Cheyne of Vala, Patrik Umphra of Sand, James Sutherland of Steill, Laurence Sinclar of Broch, Johne Giffart of Weddersla, Mr Gilbert Mowat, moderator of the presbyterie of Zetland, Mr William Umphra, minister at Brasay, John Adamsoun, minister at Nesting: the said James Sinclar of Quendaill, conveenner.

Form of the Commission for Justices of the Peace.

Followes the tennor of the commissioun for the justices of peace:—Our soverane lord ordains ane letter to be made under the great seale in dew forme, makand mentioun that quhar his majesteis darrest father of eternall memorie, with advice of his estaits conveenned in the Parliament haldin at Edinburgh in the moneth of Junij, 1609, upon diverse great and weightie considerations importing the peace and quyet of the countrie, statute and ordained that within everie shirefdome, stewartrie and baillerie of this kingdome choise sould be made of some godlie, wise and vertuous persons of good qualitie, moyen and report making thair residence within the same shires, stewartreis and baillereis, to be commissioners for keeping his majesteis peace, as in the said act of Parliament at lenth is conteanit; conforme to the quhilk choise being made at that time of some selecte persons for eache shirefdome, stewartrie and baillerie to be commissioners for keeping the peace within the same, nombers of the persons so selected and chosin ar since that tyme departed this lyfe and others upon diverse interveening occasions hes removed thameselffes out of the countrie, quherethrow that good and worthie course sett doun be the Estaits of Parliament for keeping of the peace hes beene thir diverse yeeres bygane neglected. Quhereupon our soverane lord and his Estaits conveenned in the Parliament haldin at Edinburgh in the month of Junij, 1633, not onlie ratified and approved the act of Parliament foresaid made be his Majesteis darrest father and his Estaits anent the erecting of commissioners and justices of peace in the haill heids, clauses and articles thairof, bot hes givin warrand to the Lords of Privie Counsell for enlarging and amplifieing the power and auctoritie of the saids justices of peace, as in the said act of Parliament at lenth is conteanit. Thairfoir the King's Majestie, with the advice of the Lords of Privie Counsell, hes made and constitute and be the tennour heirof makes and constituts the persons particularlie underwrittin, dwelling and residing within the shirefdomes, stewartreis and baillereis particularlie afterspecefeit, they ar to say, etc., conjunctlie and severallie his Majesteis justices and commissioners for keeping of his Majesteis peace within the bounds of the shirefdomes respective abonewrittin and the provests and

Fol. 57, a.

bailleis of the burrowes and touns within the saids shires, stewartreis and baillereis and everie ane of thame within the bounds of thair awne offices and jurisdictions, his Majesteis justices and commissioners to the effect underwittin, lykeas his Majestie with advice of the saids Lords hes nominat, ordained and constitute and be the tennor heirof nominats, ordains and constituts the persons respective following to be keepers of the rollis within everie shirefdome, stewartrie and baillerie, that is to say, etc., quhilks persons, keepers of the saids rollis, ar to nominat ane clerk to putt in forme and register the haill acts, writts and letters concerning the execution of this commissioun; givand, grantand and committand unto thame conjunctlie and severallie within the bounds of the saids haill shirefdomes, stewartreis and baillereis full power, auctoritie and commissioun, expresse bidding and charge to oversee, try and prevent all suche occasions as may breid trouble or violence among his Majesteis subjects or forcible contempt of his Majesteis auctoritie and breake of his Majesteis peace within the saids bounds, and to command all persons in whome they sall see manifest intentioun to make trouble ather by gaddering togidder ydle and disordered persons or by publict bearing and wearing of hacquebuts and pistolets and others forbiddin weapouns and suche other swaggering and ryotous behaviour to bind thameselffes and find cautioun under competent soumes to observe his Majesteis peace and for thair compearance before the Lords of his Majesteis Secreit Counsell or before the Justice to underly suche order as sall be found convenient for punishment of thair transgressiouns or staying of trouble and inimitie; and, if neid be, to take, apprehend and committ to waird all wilfull and dissobedient persons, authors, committers and fosterers of the saids crimes and to require the dewtifull and obedient subjects within the saids bounds to concurre with thame in preventing of all suche attempts and violence or for taking and warding of the saids wilfull and dissobedient persons, authors, committers and fosterers of the saids crimes; ordaining heirby the saids commissioners to give trew advertisement and informatioun to the Lords of Secreit Counsell, Justice generall and his deputis, his Majesteis Thesaurar and others his Majesteis magistrats and officers, whome it effeiris, of the names of suche faithfull and unsuspect witnesses and assise to be summound in all crymes and disorders whiche sall happin to fall furth within the saids bounds as sall be found most meit and able for tryell and probatioun of the same, and for eschewing of suche as ar ather aged, sicklie or unable to travell or ignorant of the facts to be tryed be not unjustlie vexed or unnecessarlie drawin frome thair awne houses and affaires for maters quharin they ar not able to give anie light; and generallie all and sindrie others things to doe, exerce and use quhilks ar requisite and necessar for the executioun of this commissioun and according to the instructiouns sett doun heeranent; firme and stable halding and for to hald all and quhatsumever things sall be lawfullie done heerin. And that the said commissioun be

Justices of Peace, 1612-1639. Fol. 57, a.

Fol. 57, b.

Justices of Peace, 1612-1639. Fol. 57, b.

extendit in the best forme with all clauses neidfull, with command in the same to all his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioners conjunctlie and severallie in all things tending to the executioun of this commissioun as they and ilke ane of thame will ansuer to his Majestie and the saids Lords upon thair obedience at thair highest charge and perrell; and that thir presents be ane warrand to the great seale without anie forder precepts to be direct heirupon, and to indure during his Majesteis will and pleasure and ay and quhill his Majestie speciallie discharge the same. Givin at Edinburgh, the 18 day of September, 1634."

[The same commission is also given in Latin.]

Acta, June 1634-April 1636. Fol. 26, a.

[No Sederunt recorded.]

Edinburgh, 23rd September 1634.

Sir Robert Greirson of Lag takes his oath as convener of the justices of peace for the sheriffdom of Dumfries and steward-principal of Annandale.

"The whilk day, in obedience and conforme to ane warrand grantit be the Lords of Secreit Counsell to Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, for receaving of Sir Robert Greirsone of Lag, knight, his oath for discharge of the offices of stewart principall of Annerdaill for the yeere to come and conveenner of the justices of peace within the shirefdome of Dumfreis, compeired personallie the said Sir Robert before the said Erle of Hadintoun and accepted upon him the said office of stewart principall of the said stewartrie and conveenner of the justices of peace of the said shirefdome of Dumfreis and gave his oath for the faithfull discharge of the saids offices."

Fol. 26, b.

Similar oath by Robert Forbes of Reres.

"The whilk day in presence of Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, compeired personallie Robert Forbes of Reresse, conveenner of the justices of peace within the shirefdome of Fyfe, and accepted upon him the said office of conveenner and gave his oath for the dewtifull discharge thairof."

Edinburgh, 25th September 1634.

Sir Patrick Murray of Elibank and others take their oaths as sheriffs.

"The whilk day, in obedience and conforme to ane warrand grantit be the Lords of Secreit Counsell to Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, for receaving of the oathes of Sir Patrik Murrey of Elibanke, knight, shireff principall of the shirefdome of Hadintoun for the yeere to come, and conveenner of the justices of the peace within the said shirefdome, and of Walter Cornwall of Bonhard, shireff principall of the shirefdome of Linlithgow, Sir Johne Dalmahoy of that Ilke, shireff principall of the shirefdome of Edinburgh, and Sir Williame Scot of Harden, shireff principall of the shirefdome of Selkirk for the yeere to come, compeired personallie the saids Sir Patrik Murrey, Sir Johne Dalmahoy, Sir Williame Scot and Walter Cornwall before the said Erle of Hadintoun, and accepted upon thame the offices respective foresaids and gave thair oathes for thair dewtifull discharge of the said offices."

Edinburgh, 2nd October 1634.

[No Record of Sederunt.]

Acta June 1634-April 1636. Fol. 26, b.

Charge to Patrick Edmonston of Wolmet to appear before the Council for having defied the advice of the Earl of Winton who had been appointed to report on a dispute between the said Patrick and David Preston of Whitehill anent a wall between their respective coalheughs.

"Forsamekle as upon information made to the Lords of Secreit Counsell of some appearance of trouble likelie to have fallin furth betuix David Preston of Quhythill and Patrik Edmonstoun of Wolmet upon occasion of the said Patrik his working of a marche and seinzie wall interjected betuix the said Patrik his coale and the said David Preston his coaleheuche, by the working and piercing whairof the said David Preston his coaleheuche wes in danger to be drownned to his particular losse and prejudice of the publict, the saids Lords directed thair missive letter to the Erle of Winton desyring his lordship to conveene the parteis interessed before him and to take tryell of the alledged wrong done be the said Patrik Edmonstoun in working of the said seinzie wall and of the prejudice that might follow thereupon to the said David Preston. According whereunto the said Erle, having callit the parteis before him, repaired to the bounds, entered within the said Wolmet his heuche, and having carefullie considderit the estait thairof and of the said Patrik his course of working within the same, the said Erle fand the right of that part of the said Wolmet his coaleheuche towards the east and north-east to be questionable and that the said Patrik his working therein Fol. 27, a. would assuredlie endanger the said David Preston his coaleheuche; quhereupon the said Erle, in the power and auctoritie of a Counseller and according to the warrand direct to him for that effect, commandit the said Patrik Edmonstoun to forbeare all forder working in that part of his said heuche till the differences and questions standing betuix him and the said David Preston sould be cleered by the arbitration and appointment of some indifferent gentlemen to be chosin be either partie for that effect; quhereunto the said Patrik Edmonstoun promised all dewtifull obedience and the said Erle rested satisfied with his promise, nowayes doubting that he sould have committed anything to the violation thairof. Notwithstanding, the saids Lords ar informed that the said Patrik Edmonstoun that same verie night that the said Erle had sighted the heuche and required the said Patrik to forbeare working at the said seinzie wall entered his men to worke therein and ar still working thereat in contempt of the said Erle his charge and commandement, being a Counseller, and to the said David Preston his apparent losse and irrecoverable overthrow of his heuche if the said seinzie wall sall be pierced; whiche being ane high and proud contempt in the person of the said Patrick Edmonstoun, and the mater itselfe, as it is questionable in the point of right so being verie considerable for the publict in the consequence thairof, the Lords of Secreit Counsell ordains letters to be direct charging the said Patrik Edmonstoun personallie, if he can be apprehendit, and failyeing thairof at his dwelling hous and coaleheuche foresaid to desist and ceasse frome all working upon the marche of the said heuche and water sinke of the same ather toward the east or north till

Acts, June 1634-April 1636. Fol. 27, a.

the right thairof be decyded before the judge ordinar under the pane of fyve thowsand merkes, certifeing him, if he failyie and contraveene, that he sall be callit before the saids Lords and upon tryell thairof sall be decerned to have incurred the said pane of fyve thowsand merkes, and letters sall be direct aganis him for payment of the same in forme as effeiris; as alsua to charge the said Patrik to compeir personallie before the saids Lords upon the fourth day of November nixt to underly suche order as sall be prescryved unto him anent his orderlie working in the said merche and seinzie wall, and forder to ansuer upon his proud contempt and dissobedience of the Erle of Wintoun his charge and commandement, and to heare and see suche order tane thereanent as apperteanes, under the pane of rebellioun, etc., with certification, etc."

Decreta, November 1633-April 1635. Fol. 157, b. Fol. 158, a.

Edinburgh, 2nd October 1634. Protection to James Spence continued.

The Lords having granted protection to James Spence on 18th September last upon certain conditions then stated, and the auditors having by a certificate under their hand testified that he has duly and timeously delivered his accounts to them, has attended their diets, and received the accounts given in by the said William Thomesone, to which he is ordained to answer, they now continue his protection until 4th November next.

Acts, June 1634-April 1636. Fol. 27, b.

Edinburgh, 14th October 1634. Anent a dispute between William Thomson, merchant burgess of Edinburgh and James Spence, also merchant there.

"The Lords of Secreit Counsell, with consent of Williame Thomesone, merchant burges of Edinburgh, and James Spence, also merchant there, gives and grants full power and commission be thir presents to Johne Fleeming and Johne Binning, auditors nominat be the saids Lords for hearing of the saids Williame Thomesone and James Spence thair accompts, to nominat and make choise of some indifferent and neutrall persons of judgement and experience for appretiating the goods being in the said Williame Thomsons hands and acclamed be the said James Spence sometyme to have belonged to him."

Edinburgh, 4th November 1634.

Sederunt—Bishop of St. Andrewes; Privy Seal; Wintoun; Wigtoun; Tracquare; Naper; Binning; Advocate; Sir James Baillie.

Anent the contraveners of the Acts againt such as sell tobacco without licence. See *ante*, p. 336

"Forsamekle as albeit by two severall acts of Counsell and proclamations published thereupon all the subjects of this kingdome wer prohibite to sell tobacco after the xv day of September now bygane without licence from his Majesteis commissioners and fermorers of tobacco, notwithstanding his Majestie is informed that certain refractarie persons, sellers of tobacco, having wilfullie neglected the tyme foresaid allotted unto thame and being obstinately averse from admitting his Majesteis ordinances, doe seek to frustrat his Majesteis service by delayes, pretending that the tobacco whiche wes formerlie in thair hands is not yitt dispatched, altho they have had sufficient tyme to doe the same; and thairfoir his Majestie, with advice of the Lords of his

Secreit Counsell, ordains the proclamations and acts formerlie made anent tobacco to stand in full force according to the tennour thairof. And for the more easie tryell of the contraveenners of the saids proclamations his Majestie, with advice of the saids Lords, gives and grants power and commissson to the shireffs of the shires and provests and bailleis of the heid burrowes within the same in the optioun of the saids fermorers to call and conveene before thame all and sindrie persons, contraveenners of the saids proclamatiouns, within thair severall jurisdictions, and to proceed to thair tryell by oath or witnesses and accordinglie to decerne aganis thame; with power to the saids shireffs and provests and bailleis within burgh to fence and hold courts for this effect and to create officers and members of court neidfull, and all others things to doe thereanent quhilks in suche caises ar usuall and necessar; and ordains letters to be direct to make publication heirof be opin proclamation at the mercat croces of the heid burrowes of this kingdom and others places neidfull, quherethrow nane pretend ignorance of the same. Followes his majesteis missive for warrand of the act abonewrittin.—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas by this inclosed petition, as yow will perceave, there ar some things desired by the petitioners for advancement of our service committed to thair trust, our pleasure is that yow give thame your best assistance according to thair desires so farre as justice may permitt, and that no toleration be granted to the sellers of tobacco derogatorie to the proclamations alreadie past. So not doubting of your care heerin we bid yow farewell. From our honnour of Hampton Court, the secund of Ootober, 1634."

Acta, June 1634-April 1636. Fol. 27, a.

Fol. 28, a.

The lordship of Torphichen]

"The Lords of Secreit Counsell continewes the advising of the processe anent the erectioun of the lordship of Torphichin till Thursday nixt."

Edinburgh, 4th November 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 158, a.

Complaint by John Boyd and Robert Hog, bailies of Kilmarnock, against the provost and bailies of Irvine for illegal horning.

Complaint by John Boyd and Robert Hog, bailies of Kilmarnock, as follows:—They are charged at the instance of the provost and bailies of Irving not to buy, sell or deliver any kind of victual within the bailiary of Cunynghame but with "the approvin standart and mett of Linlithgow, brunt and sealled be the saids provest and baillies," and to receive the said measures from them within a short space under the pain of horning. Now, immediately after the passing of the Act of Parliament for receiving the said measures, the bailies of Kilmarnok for the time provided themselves therewith, and these they now have and use, permitting no other measure to be used in the receiving and delivering of victual. Their Lordships may thus see how unjustly and maliciously

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Decreta, November 1633-April 1635. Fol. 158, b.

the provost and bailies of Irwing are acting. Still they have found caution in the Books of Secreit Counsell to receive the said measures if their Lordships find that they ought to do so, under the penalty of 500 , and, therefore they crave suspension of this horning. Charge having been given to James Scot of Clowbeith, provost of Irwing, Alexander Cunynghame of Collennan and Mr. John Peblees, bailies thereof,

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and the said John Boyd compearing for himself and Robert Hog, but none of the defenders compearing, the Lords suspend the letters of horning as craved.

Complaint by the bailies, council and inhabitants of the burghs of Cowper, Anstruther and Craill, and the parishioners of Kilrinnick, as follows :—"There hes beene a common hie broad way and passage fra the burgh of Cowper to the tounis of Anstruther and Craill and to the parish foresaid and diverse other parts upon the cost syde of Fyffe, and this way wes ever acknawledgit to be his Majesteis common hie way and passage till latelie that Maister David Methven of Craigtoun hes, at his awne hand, without anie lawfull warrand, cassin a great sheuche and biggit up the passage forsaid with a great dyke of stane and faill upon that part of the said passage quhilk gois throw the said Maister David his land; so as there is no passage that way for men or horse, bot his Majesteis subjects are constrayned to go farre about to their extreme hurt and prejudice; and when anie of the compleaners people or servants preisseth to come that way he shamefullie and unhonestlie persewis thame of thair lyves, hes dung and strakin sundries of thame and threatneth all suche as preisses to come that way of thair lyves." Charge having been given to the said Mr. David Methven, and he compearing along with Mr. John Paip, younger, advocate, as procurator for

Complaint by the bailies, council, and inhabitants of Cupar, Anstruther, and Craill against David Methven for stopping a highway between the above-named burghs.

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the pursuers, the Lords, after hearing parties, remit the matter to the Lords of Council and Session.

The Lords having been informed that trouble was likely to arise between David Prestoun of Quhythill and Patrick Edmestoun of Wolmet upon occasion of the said Patrick's "workeing of a seinzie wall interjected betuix the said Patrick Edmestoun his coale and the said David Prestoun his coal heuche by the workeing and peirteing thairof the said David his coal heuche wes indangered to be drowned to his particular losse and prejudice of the publict," they directed a missive to George, Earl of Wintoun, desiring him to convene the parties before him and take trial of the alleged injury. Accordingly the said Earl, having called parties before him, went "to the bounds, entered within the said Wolmet his heuche and haveing carefullie considerit the estate thairof and of the said Patrick his course of workeing within the same, the said Earle fand the right of that part of the said Wolmet his coale heuch

Fol. 160, a.

toward the east and noreast to be questionable, and that the said Patrick his working thairin would assuredlie indanger the said David Prestoun his coalheuch." The said Earl, therefore, in the capacity of a

Remission of the trial of Patrick Edmonston of Wolmet to the Lords of Council and Session.

See *ante*, p. 392.

Privy Councillor, in terms of his warrant, "commandit the said Patrick Edmestoun to forbeare anie forder workeing in that part of his said heuche till the differences and questionis standing betuix him and the said David Prestoun sould be cleered by the arbitration and appoyntment of some indifferent gentlemen to be chosin be either partie to that effect." To this the said Patrick promised all dutifull obedience. Yet the Lords are informed that the same night he "entered his men to worke thairin and are still workeing thereat," in contempt of the said command, and to the apparent loss and irrecoverable overthrow of the said David Prestoun's heuch. Charge having been given to the said Patrick Edmestoun of Wolmet, who compeared, as did also the said David Prestoun, the Lords, after hearing parties, remit the trial of the "workeing of the merche and seinzie wall libellit" to the Lords of Council and Session, but reserve to themselves the punishment to be inflicted upon the defender if it shall be found that he has no right to work in the said bounds; and in the meantime they ordain him to find caution in the Books of Privy Council in 5000 merks that he will not prosecute the work further until the right be discussed, in addition to the payment of the damage he may do thereby to the said David Prestoun; and also for obeying the decreet of the Lords of Session if it should be given against him.

Decreta, November 1633-April 1635. Fol. 160, a.

Fol. 160, b.

Complaint by John Bairdie of Selvedge, vassal and feuar to Thomas, Earl of Haddington, against the bailies and council of Inverkeithing for illegal warding and fining.

Complaint by John Bairdie of Selvedge, vassal and feuar to Thomas, Earl of Hadinton, as follows:—He was recently cited before the bailies and council of Innerkeithing for production of the titles of his lands of Cruiks lying beside the burgh of Innerkeithing, but he obtained on very good reasons letters of advocation from them to the Lords of Council and Session. Having been on October cited of new to appear before the said bailies, he appeared before them along with John Murray, messenger, as procurator for him, and showed them the letters of advocation, giving them also a copy thereof, and took instrumeuts thereupon and upon the discharge thereby of their proceeding. But not only did they ignore these letters and proceed in the case, but they fined him 100 merks in addition to three fines formerly decerned against him, and further committed him to ward within their tolbooth. When the complainer took instruments in the hands of their clerk, and protested for remeid of law, craving extracts, the bailies "imperiouslie discharged the clerk to give out anie extract, and as yitt keepes and deteanes the compleaner in waird." Charge having been given to James Bairdie and William Blaigburne, bailies of Innerkeithing, and to George Durie, clerk there, and the pursuer compearing personally and producing the foresaid letters of advocation with an instrument taken at Innerkeithing on 28th October last under the hand of George Durie, notary, bearing that notwithstanding of the production of these letters and discharge given thereby the said bailies fined and imprisoned the pursuer as stated; and the said William Blakburne and James Bairdie being also present, and as repre-

Fol. 161, a.

Fol. 161, b.

Decreta, November 1633-April 1635. Fol. 161, b.

senting George Durie, their clerk, whose inability to travel on account of his old age was certified by a testimonial signed by Mr. Robert Roche, minister at Innerkeithing, which they produced, the Lords, after hearing parties and examining the documents, find that the said bailies have done wrong in fining and warding of the pursuer, and admonish them to forbear the like unlawful procedure in time coming, discharging them from all proceeding against the pursuer in this matter, and from uplifting any fines from him for that cause. The Lords excuse the the non-compearance of George Durie, and ordain the pursuer and the said William Blaikburne to find caution in 500 merks in the books of Secret Council for each other's indemnity.

Fol. 162, a.

Complaint by Francis Brunton, procurator in Glasgow, against James Padie for assault in connection with the complainer's discharge of his office.

Complaint by Francis Bruntoun, procurator in Glasgow, and Donald Campbell, merchant there, for his interest, as follows:—On 19th August last, while the complainer was "procuring before the provest and baillies of Glasgow" for the said Donald Campbell, who was defender in an action against him by Ninian Gilhagie, merchant in Glasgow, and when he had "proposed some defences for the said Donald, the said Ninian, fretting thairat, in opin face of court, being accompanied with James Padie, his sone-in-lawe, shamefullie raylled upon the said procutar, calling him mensworne, with manie other contumelious speeches." And the said James Padie came to him standing at the bar at the instigation of the said Ninian, repeated his opprobious speeches and gave the complainer a cruel stroke with his foot on the leg, birsing and bruising it. Further, when on the 26th of that month the complainer rode out of Glasgow toward Calder to attend the Laird of Kelburne and his lady, the said James Padie and John Anderson, both burgesses of Glasgow and sons-in-law to the said Ninian, at the said Ninian's instigation, lay in wait for him all the way from Glasgow to Calder to take his life. At last the said James "stayed his hors at the braes of Calder till the compleaner came to him and or ever he wes awar the said James shamefullie strake the compleaner on the face with his hand and falded neiffs to the effusion of his blood." The complainer then fled back to Glasgow him, for fear of his life, and these two persons followed and overtook when, after upbraiding him with opprobious speeches, they "with thair falded neiffs or some great rungs strake him on the eyes, face and nose to the great effusion of his blood, dang [him] backward aff the horse quhere he stuke to the strips under the horse bellie, his face being to the ground and wes trailled throw dubbs and myres be ane quarter of ane myle and had died under the horse wombe untill at last the strip brake and the horse left the compleaner wallowing in his blood; and being brought home he wes so swelled that his wife, seeing so pitifull a spectacle parted with chylde." Charge having been given to the said John Andersoune and Ninian Gilhagie, and pursuer and defenders compearing and they and witnesses having been heard, the Lords find that John Andersoun assaulted the pursuer "and gave him a cuff," for which they fine him

Fol. 162, b.

£20, to be paid to the pursuer, but they assoilzie the other defender against whom nothing was proved. They further ordain John Andersoun to pay to each of the witnesses £4 before to-morrow at 12 o'clock, otherwise to pay the double. Decreta, November 1633-April 1635. Fol. 163, a.

Edinburgh, 6th November 1634.

Sederunt—Privy Seal; Erroll; Winton; Wigtoun; Roxburgh; Tracquair; Bining; Naper; Clerk of Register; Advocate; Sir James Baillie. Acta, June 1634-April 1636. Fol. 28, a.

Anent the petition of the burghs that the pearl-fishing should be open to all the lieges and that Robert Buchan should be deprived of his patent for the pearl-fishing.

"Anent our soverane lords letters raised at the instance of the commissioners for the burrowes of this kingdome, makand mention that where they, having diverse tymes and last at the late Parliament petitiouned the Kings Majestie anent the prejudice and harm susteanned by the burrowes by conferring the power and priviledge of fishing and taking of pearle within the rivers of this kingdom in the person of one privat person whiche sould be communicat and be commoun to all, especiallie to the merchants of the free royall burrowes, his Majestie, after dew consideration of the compleaners petition and of the equitie and justice thairof, wes gratiouslie pleased to give signification to the Lords of Privie Counsell of his Majesteis royall will and pleasure that all patents or acts made for the ingrossing of the said privilege in the person of one sall be discharged and libertie granted to all his Majesties subjects, speciallie the free burrowes, to fish pearle in all the rivers of this kingdome at thair pleasure. And whereas Robert Buchan, burges of Aberdein, is the person who upon sinister information hes ingrossed the sole and full libertie of taking of pearle to himselfe, necessar it is for the better formalitie and order of proceeding that he be warned before his Majesteis Counsell to heare and see his Majesteis royall will and pleasure intimat unto him. And anent the charge givin to the said Robert Buchan to have compeired personallie before the Lords of Privie Counsell this present saxt day of November instant to have brought, presentit and exhibite with him the patent or quhatsomever acts, warrands or priviledges grantit to him anent the taking and Fol. 28, b. selling of pearle to have beene seene and considderit be the saids Lords and to have heard and seene the same discharged and libertie grantit to all his Majesteis subjects, especiallie the free burrowes, to fishe and take pearle in all the rivers of the kingdome at thair pleasure, or ellis to have shawin a reasonable caus why the same sould not be done, with certification to him and he failyied the saids Lords would discharge and grant libertie in maner foresaid, lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof; quhilks being callit, and the said persewers compeirand be Johne Sinclar, merchant burges of Edinburgh, Robert Tailyeour, burgess of St. Andrewes, Johne Sempill, provest of Dumbartane, and Lumsden, baillie of Aberdein, with Mr Alexander Guthre, toun clerk

Acta, June 1634-April 1636. Fol. 28, b.

of Edinburgh and clerk to the burrowes, and the said defender compeirand be Mr Roger Mouat, his procurator, the reasons and allegations of the parteis present being heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell continewes the advising and discussing of this mater untill the first counsell day of Marche nixtocome, quhairof the parteis present ar warned *apud acta*."

Patent for thirty-one years granted to Patrick Mauld of Panmure for making soap—the said patent to begin on the expiry of that held by Nathaniel Udwart.

"The whilk day the signature underwrittin, signed be the Kings Majestie in favors of Patrik Mauld of Panmure anent the making of soape, being presented to the Lords of Privie Counsell and read in thair audience, and Mr Nathaniel Udwart being callit for his interesse and heard thereanent, the saids Lords past and exped the said signature and ordained the same to be insert and registrat in the bookes of Privie Counsell, of the quhilk the tennour followes;—CHARLES R.—Our Soverane Lord considdering how necessar it is for the good and benefite of his Majesteis ancient kingdome that the same be furnished with good soapes at reasonable prices within the selfe, and his Majestie understanding that there wes a patent grantit be his Majesteis father of happie memorie to Mr Nathaniel Udwart of the sole making of soape within the kingdome for the space of twentie one yeeres, whairof thair is not manie yeers to rin, and his Majestie considdering that the said libertie of making soape is not a trade of such a nature as can be communicat to all his Majesteis lieges and that the publict sould suffer if the samine wer left indifferentlie to all, and that in this caise the choise of the person perteanes to his Majestie as a part of his soverane prerogative; and his Majestie being willing to provide for the continuance of the said worke and to bestow libertie of making soape upon one of his Majesteis approvin servants who hes power and abilitie to undergo the same, and his Majestie understanding that his Majesteis daylie servant, Patrick Mauld of Panmure, is willing to undergoe the said warke and to provide for all necessars for continewing the same to the good of the kingdome; thairfoir his Majestie, with advice and consent of the Lords
Fol. 29, a. of his Majesteis Secreit Counsell of the said kingdome, ordains ane letter to be past under his Majesteis great seale giving and granting, lykeas his Majestie be thir presents gives and grants, to the said Patrik Mauld of Panmure, his airis and assigneyes, thair servants, deputs and others in thair names, during the space of threttie one yeeres, the onelie sole and full licence and libertie to make and caus to be made within the said kingdome soape for washing of cloathes of all suche cullours and quantitie as they sall thinke good and to sell the same to his Majesteis lieges; with power to thame for this effect to bring strangers for making of the said soape and to imploy thame or the natives of the kingdome therein, as they sall thinke good, and to erect and sett up workes and to doe and use all things quhilks may bring that interprise to a good perfection. And if it sall fall out that they cannot convenientlie gett the whole soape that sall

happen to be made to be solde within that kingdome, power is heirby givin unto thame to transport the same furth of the kingdome where they sall think meit and to sell and dispone thereupon at thair pleasure; paying thairfoir his Majesteis custome dew to be payed for the soape brought within the kingdome: Charging heirby all others his Majesteis lieges and subjects and all strangers, except suche as sall be imployed be the said Patrik Mauld of Panmure and his foresaids, that nane of thame presoome nor take upon hand to make anie soape within the said kingdome nor to doe nor attempt anie other thing to the hinder and prejudice of the said Patrik Mauld of Panmure and his foresaids in this particular bot to suffer and permitt thame peaceablie and freelie to bruike and injoy the benefite of this his Majesteis patent and priviledge during the said space of threttie one yeeres, as they and everie ane of thame will ansuer to his Majestie and his Counsell upon the contrare at thair highest charge and perrell, and farder under the pane of confiscation of the haill soape that sall be made be thame aganis the tennour and prejudice of this his Majesteis priviledge and patent. And for the furtherance of the said worke his Majestie, with consent foresaid, gives and grants to the said Patrik Mauld of Panmure and his foresaids during the space foresaid licence, power and libertie to fishe and trade in the countrie and seas of Gronland [*sic*] and in the Yles and others parts adjacent thereto and that for provision and furnishing of the saids soape workes with oyles and other materialls necessar thereto, and that without anie trouble, molestation, stop or impediment whatsomever to be made aganis thame or anie of thame be anie of his Majesteis subjects whatsomever in thair persons, shipping or goods, with free libertie and priviledge to thame to pas and repas to and frome the saids seas and territoreis of Gronland and Yles adjoyning thereto and to anie part, creik, harbour or road of the same als freelie and in als ample and beneficiall forme and maner as anie of his Majesteis subjects quhatsomever had, have or anie wayes may acclame or pretend thereunto, provyding alwayes that the said libertie be no farther extended nor the furnishing of the said kingdome of Scotland and the said Patrik Mauld of Panmure his soape workes within the same: Charging straitlie and commanding all his Majesteis lieges and subjects to permitt and suffer the said Patrik Mauld of Panmure and his foresaids freelie, peaceablie and quyetlie to injoy the saids liberteis and priviledges of fishing and making of oyles and others liberteis belonging thereto as aforesaid within the said countrie of Greenland, seas and territoreis thairof and Yles adjacent thereto, as they will be answerable upon thair obedience at thair highest perrell, with all coast, skaith and damnage to be susteanned be the said Patrik Mauld and his foresaids. And his Majestie, understanding that there ar certane necessar ingredients for making of soape without whiche the same cannot possiblie be weill made, and that if these ingredients could be gottin within the kingdome itselfe it would muche conduce to the advancing of the said interprise, thairfoir his

Acta, June 1634-April 1636. Fol. 29, a.

Fol. 29, b.

Acts, June 1634-April 1636. Fol. 29, b.

Majestie, with advice of his said Privie Counsell, gives and grants during the said space of one and threttie yeeres to the said Patrik Mauld of Panmure and his foresaids full and sole libertie, licence and power, and to none others, to make pot ashes of all sorts of suche wod within the same kingdome as is most fitt for the purpose and as can be most convenientlie spared, giving alwayes satisfaction to the awners thairof, and where the same cannot be made within the said kingdome, with power and licence to thame to buy and import the same for the use aforesaid frome forrane parts, paying the custome dew to his Majestie for the same, as lykewayes with power to thame to make pot ashes of all sorts of fairns and other vegetable things quhatsomever within the said kingdome fitt for that purpose, giving alwayes satisfactioun for the same to the awners thairof, with power alsua to thame to make pot ashes within the said kingdome for the use of the saids soape workes, and for that effect to buy and bring in lykewayes frome forrane parts all ingredients fitt for making thairof, provyded that custome be payed for the same. And, for the better working, preparing and making of all suche pott and soape ashes and of the severall compositions and ingredients thereunto, with power to thame to erect store and workehouses fitt for that purpose and all maner of ingynes, vessellis, coillis and instruments necessar for the same. Paying alwayes yeerelie the said Patrik Mauld and his foresaids to his Majestie and his Hienes successors for the said licence of making of soape during the foresaid space the soume of twentie punds sterline at the feast and terme of Witsonday yeerlie, quhairof the first yeeres payment to be and begin at Witsonday after the expyring of Mr Nathaniel Udwarts patent, and sua furth yeerelie thereafter during the said nomber of yeeres. And his Majestie be thir presents suspends this present gift and effect thairof sua long as the said former patent stands in the person of the said Mr Nathaniel Uduart and his foresaids unexpired; and his Majestie ordains thir presents to be ane sufficient warrand for writting and appending the great seale without passing other registers and seales. Givin at Edinburgh, the saxt day of November, 1634. Followes the docket:—Please your sacred Majestie, These licence your Majesteis daylie servitour, Patrik Mauld of Panmure, for threttie one yeeres, to sett up manufactureis for making soape in Scotland with sole power to make and sell it therein and in forrane parts, paying suche customes as is payed for soape imported; for better making of whiche commoditie power is givin to thame to fishe and trade in Greenland, provyded that the commoditeis thairof be onelie for furnishing of Scotland; and with sole power to thame to make pott ashes of all materialls within the kingdome; and als licence is grantit unto thame (if the same cannot be provided within the countrie) to buy and import pot ashes for the use aforesaid and siclyke to make pott and soape ashes of wod, fairns and others vegetables within the kingdome, satisfeing the awners, and to import all others ingredients for making of soape

Fol. 30, a.

paying custome. They ar to pay your Majestie yeerelie twentie punds sterline: suspending the effect of this gift so long as the patent grantit be your Majesteis father of blessed memorie stands in the person of Mr Nathanael Udwart unexpired. S. Thomas Hop. *Sic subscribitur*, Hadinton; Erroll; Wintoun; Wigton; Roxburgh; Tracquaire; Binning; Naper; J. Hay; S. Thomas Hop; James Baillie." Acta, June 1634-April 1636. Fol. 30, a.

The Lordship of Torphichen.

"The Lords continewes the advising of the processe anent the erectioun of the lordship of Torphichin till this day aucht dayes."

Edinburgh, 6th November 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 163, a.

Complaint by Mr. George Sydserf, minister at Cockburnspath, against George Home, bailie of the lordships of Thornton and Dunglas, for resetting gipsies.

Complaint by Mr. George Sydserfe, minister at Colbrandspeth, as follows:—Some two years ago certain gypsies and vagabond sturdy beggars broke into and spoiled his house, and pursued himself with pistolets and swords. They are ordinarily reset within the bounds of the lordship of Thorntoun and Dunglas, of which George Home is bailie, and the said George Home about that time received from the said gypsies a stolen horse, which he still retains, and had very frequent intercourse and intelligence with these vagabonds against the laws of this realm and contrary to the duty of his place. For purging the bounds of these wicked persons and that the gentlemen within whose bounds they resort, especially the said George Home, should have no pretext for overlooking them by wanting commission and power against them, the complainer procured a commission to the said George Home and certain barons in the country for apprehending and exhibiting these gypsies to the bailies of Dumbar or Hadinton to underlie their trial. And now lately "great nombers of the saids Egyptianis, sometymes fiftie, sometymes threescore, being sorning in East Louthian togidder in troups, where not onelie they had spoyled and herried diverse people both in the compleaners parish and els where, bot also had tane men and wyffes out of thair beds and lyne in the same thameselfes; and the compleaner, being informed that upon the 26 of Junij last these vagabounds were to be all night within the bounds of the lordship of Thornetoun," he sent the said commission to George Home earnestly entreating him to put the same in execution against these gypsies, but he very undutifully refused the service and sent back the commission, and suffered these vagabonds "to have beild and resset within his bounds all that night." Charge having been given to the said George Home as party, and to Thomas Symsone in Dryburnefurde and Alexander Frude in Thorntoun loche, as witnesses, and the pursuer appearing by Mr. Thomas Nicolsone, younger, advocate, who produced the commission above referred to, but neither the defender nor the witnesses appearing, the Lords ordain them to be put to the horn and escheated for their contempt. Fol. 163, b. Fol. 164, a.

Complaint by George Archibald, son

Complaint by George Archibald, son of Andrew Archibald in Barreldyks, as follows:—On July, 1632, Mr. Andrew Logie, parson

Secreta, November 1633-April 1635. Fol. 164, a.

of Rayne, George Leslie of Rothmeyes, George Leith of Threifeild, Patrick Leith of Kirktoun of Rayne, William Arskyne, brother of the Laird of Pittodrie, and George Leslie, son of George Leslie of Boigs, came by way of hamesucken to the dwelling house of the complainer's father in Barreldykes, forcibly broke up the doors, violently seized the complainer, and without any lawful warrant carried him captive to Auldrayne and kept him as a prisoner for five or six hours in the house of John Ker there. Charge having been given to the said Mr. Andrew Logie, Patrick [Leith], George Leith and George Leslie, and the pursuer compearing by Andrew Archibald, his father, and Mr. Andrew Logie appearing for himself and the remanent defenders, the Lords after hearing parties assoilzie the defenders, who produced a precept signed by the Laird of Pittodrie, one of the Justices of the Peace, for the sheriffdom of Aberdein, directing some of the constables to go and take caution from the said Andrew Archibald's son for the indemnity of the said Mr. Andrew, and in case of his refusal to charge him to enter into ward; and showed that the said George Archibald only went some short distance with the constables to the house of John Ker in Auldrayne, who became cautioner for him, whereupon he was "dimitted." Further, the said Mr. Andrew produced to their Lordships a decreet arbitral pronounced by Patrick, Bishop of Aberdene, and the ministers of the burgh of Aberdene, proceeding upon a judicial submission between him and the pursuers, in which it was declared that the said Andrew and his son had committed "sundrie insolences and wrongs" against the said Mr. Andrew.

Of Andrew Archibald in Barreldykes, against Mr. Andrew Logie, parson of Rayne, and others for hamesucken and illegal warding of the complainer.

Fol. 164, b.

"The protections given to Alexander Hamiltoun, yonger, of Lawfeild, and Patrick Fleeming of Carbraine prorogat till the 8 of Januar nixt."

Continuance of protection to Alexander Hamilton and Patrick Fleming.

Fol. 165, a.

Complaint by William Robertsoun, burgess of Perth, as follows:— On 19th May, 1633, he was in the kirkyard of Abernethie at the burial of his wife's father's brother, when Andrew Wemes in Abernethie, having a private malice in his heart against him, came to him, and "or ever he wes awar tooke from him one of the spaiks wherewith he had caried the corps and gave him manie bauch, blae and bloodie straiks thairwith on the head and others parts of his bodie, to the effusion of his blood and perrell of his lyffe, quherthrow he lay long bedfast unable to travell to worke for his living." Further, on 24th July, 1633, when he was going to the market in Cowper of Fyffe through the town of Abernethie, John Williamsoun, William Andersone, Andrew Hay and Andrew Furnie in Abernethie "patt violent hands in his person, and with thair neives, feete and knees birsed, bruised, hurtit and woundit" him on the head and other parts of his body to the effusion of his blood and peril of his life; and because he said he would complain, they put him in the stocks for a day and a night, so that he lost his market to his great hurt. Charge having been given to these persons and also to Matthew Geddes, elder, in Abernethie,

Complaint by William Robertson, burgess of Perth, against Andrew Wemyss in Abernethie and others for assault.

William Millar there, Archibald Douglas, younger, there, William Hendersoun there, William Wallace there, Robert Thomesone there, John Flivisrar there, William Williamsone there and Allan Chapman, as witnesses, and the pursuer compearing but not the defenders nor witnesses, the Lords ordain the latter to be put to the horn and escheated for their contempt. Decreta, November 1633-April 1635. Fol. 165, b.

Edinburgh, 6th November 1634. Anent broken men.

"Missives to the Bishop of Glasgow, the Erles of Murrey, Perth, Lauderdaill, Dumfreis and Master of Elphinstoun to be heir upon Tuisday nixt and to the Erle of Southesk and Lord Lorne to be heir on Tuisday come aucht dayes to joyne with the Counsell in taking order with the insolenceis of brokin men." Sederunts November 1629-January 1635. Fol. 130, a.

8th November 1634. The Earl of Buccleuch.

"The quhilk day the missives concerning the Erle of Buccleuche wer delyvered to the Advocat."[1] Fol. 130, b.

Edinburgh, 11th November 1634.

Sederunt—St. Andrewes; Privy Seal; Murrey; Perth; Roxburgh; Lauderdaill; Tracquair; Lorne; Bining; Bishop of Edinburgh; Bishop of Ros; Naper; Master of Elphinstoun; Clerk of Register; Advocate. Acta, June 1634-April 1636. Fol. 30, a.

Anent plunderers on the lands of Frendraucht.

"The Lords of Secreit Counsell, having heard the articles givin in name of the Laird of Fendraucht anent the heirships committed upon him, his tenents and servants, they continew thair resolution thereanent and anent the meanes for preventing the disturbances of the countrie till Thursday nixt, ordaining in the meanetyme his Majesteis Advocat to summound the parteis aganis whome Fendraucht sall give information to find cautioun to underly the law for the crimes committed be thame, and ordains the clerk to produce upon Thursday the overtures formerlie givin in for quyetting the countrie with the acts and proclamatiouns made in September last."

Edinburgh, 11th November 1634.

[Sederunt as recorded above except Lorne.] Decreta, November 1633-April 1635. Fol. 165, b.

Sir Andrew Fletcher of Innerpeffer and Sir Thomas Hope of Craighall, senators of the College of Justice, appointed additional arbiters in the dispute between William Thomson and James Spence, merchant burgesses of Edinburgh. See *ante*, p. 393.

This day there compeared before the Lords William Thomeson and and James Spence, merchants burgesses of Edinburgh, and John Fleeming and John Binning, also merchants burgesses there, who were appointed to hear and audit the accounts of Thomeson and Spence, and declared the state of matters betweed them. This, they showed, would require "manie diets of probation and the heiring and judgment of the Lords of Session, at the least of some of thair nomber, whome they wer content sould be adjoyned" to the said auditors. Accordingly James Spence nominated Sir Andrew Fletcher of Innerpeffer, knight, and William Thomesoun nominated Sir John [*sic*] Hope of Craighall, knight,

[1] This entry is upon the last page of this volume of Sederunts.

Decreta, November 1633-April 1635. Fol. 166, a.

and the Lords, willing to give all lawful furtherance to this business, approve of the arrangement and hereby grant commission to the four auditors to call the parties and their witnesses before them and examine them upon oath or other manner of probation. They also request the two senators of the College of Justice to accept this commission, and empower the Clerk of Council to direct letters against parties and their witnesses as may be required. And that James Spence may attend the proof and urge his claim before the commissioners the Lords extend his protection until 8th January next at night.

Sederunts, November 1629-January 1635. Fol. 130, a.

"A letter frome his Majestie concerning the establishing of the justices of peace and authorizing thame with quhat further power sall be found fitting for quyetting the peace of the countrie, and that the ylanders be tyed to thair yeerelie compeirance." Edinburgh, 11th November 1634. Anent justices of the peace.

Acta, June 1634-April 1636. Fol. 30, b.

Sederunt—Bishop of St Andrewes; Privy Seal; Murrey; Perth; Tracquaire; Bishop of Edinburgh; Bishop of Ros; Lorne; Naper; Bining; Clerk of Register; Master of Elphinston; Advocate. Edinburgh, 13th November 1634.

"Forsamekle as the Lords of Secreit Counsell ar informed that great nombers of sorners and brokin men of the Clangregour, Clanlauchlane, Clanrannald and others brokin clans in Loquhaber, Stradoun, Glencoe, Bramar, and others parts of the Hielands, as alsua diverse of the name of Gordoun and thair dependers and followers in the incountrie, have this long tyme bygane and now latelie verie greevouslie infested his Majesteis good subjects in the north parts, especiallie the Laird of Fendraucht and his tennents, by frequent depredations, slaughters, heirships and barbarous cruelteis committed upon thame, and by ane late treasonable fire-raising within the said Laird of Fendrauchts bounds, whereby not onelie is all the gentlemans lands layed waist, his haill goods and bestiall spoyled, slaine and mangled, some of his servants killed and cruellie demaymed, bot also the haill tennents of his lands and domesticks of his hous have left his service and lands and himselfe with the hazard of his life hes beene forced to steale away under night and have his refuge to his Majesteis Counsell; and thir disorders ar growin to that hight that almost no where in the north countrie can anie of his Majesteis subjects promise saifetie to thair persons or meanes, the breake of his Majesteis peace in these bounds being so universall and fearefull as the verie burrows and touns thameselffes ar in continuall danger and feare of some suddane surprise by fire or otherwayes frome thir brokin men. And the Lords of Secreit Counsell, in this so deplorable estait of the countrie, finding it thair boundin dewtie to use all meanes possible for preserving the honnour and credite of his Majestie his auctoritie and lawes and reparation of the losses of his distressed subjects, they have thairfor resolved, upon trew information of the authors of thir disorders, thair abatters and ressetters, to take suche exemplarie order thereanent Charge to the Marquis of Huntly and others to appear before the Council on the 16th December next to give information anent broken men in the Highlands for whom they are respon ble.

as the delinquents may underly thair deserved punishement and his Majesteis peaceable subjects be repaired in thair losses and in tyme comming secured frome these incursions and disorders of thir brokin men; and for this effect ordains letters to be direct to heralds, pursevants or messengers of armes charging the persons underwrittin, they are to say, George, Marques of Huntlie, and his bailleis, Johne Gordoun of Buckie, Alexander Gordoun of Carneborrow, Williame Gordoun of Tulloch, Sir James Gordoun of Lesmore, James Gordoun of Letterfoure, Johne and Nathanael Gordons, sonnes to Johne Gordon of Ardlogie, Johne Gordoun of Innermerky, Alexander Gordon his sone, Johne Gordoun of Parke, Adame Gordon his brother, Duncane Braibner his greave, the Laird of Geicht, elder and yonger, Johne Gordoun of Ardlogie, Sir Alexander Gordoun of Cluny, Allane McEanduy and his sonnes, the Laird of McGregour and Patrik his brother, the Laird of Grant, the Laird of Glengarrie, McRannald of that Ilke, elder and younger, Gordoun of Terrisoull, McInnabrach of Glencoe, the Erle of Atholl, the Lord Lovat, Sir Robert Innes of Balvenie, Johne Grant of Glenmoreston, Grant of Rothimurchus, of Glenneveis, tutor of Glenneveis, Johne Ogilvie of Milnetoun, the Lady Rothemay, Alexander Strauchane of Glenkindie, Thomas Gordon of Artlache, Johne Gordon his sone, Alexander Leith, brother to Harthill, Patrik Gordoun, brother to Johne Gordoun of Achinhannach, Johne Gordoun in Corskellie, Duncane Cumming in Achindoun, Johne Fordyce in Auchincreiff, and George Moreson in Rothemay, etc., maisters and landslords to thir brokin lymmars and chiftans of thair clans, and throw whois bounds thir brokin men have had thair repaire with thair heirships and depredations, and for whome in that caise they aucht to be answerable be the lawes of the countrie, to compeir personallie before the Lords of Privie Counsell upon the xvj day of December nixt to give information to the saids Lords anent the heirships, slaughters, depredations and others disorders committed upon the Laird of Fendraucht, his tennents and servants and others his Majesteis subjects in the north since the burning of the towre of Fendraucht, and forder to underly suche order anent the peace of the countrie and restraining of the depredations of all brokin men dwelling upon their lands or being of thair clans for whome they aucht to be answerable be the lawes of the countrie, and tuicheing redresse to be made be thame to his Majesteis oppressed subjects of thair losses and damages susteanned by the saids brokin men since the burning of the said hous of Fendraucht, as by his Majesteis lawes and acts of parliament sall be found necessar; and that they compeir personallie to the effect foresaid under the pane of rebellioun and putting of thame to the horne, and forder under all highest pane and charge that after may follow, with certificatioun to thame and they failyie that not onelie sall they be denunced rebellis and putt to the horne bot also suche forder exemplarie course sall be followed out aganis thame as his Majesteis honnour and the peace of the countrie requires."

Acta June 1634-April 1636. Fol. 30, b.

Fol. 31, a.

Acts, June 1634-April 1635. Fol. 31, a.

Fol. 31, b.

Charge to John, Bishop of Moray, and others to appear before the Council to give information anent broken men in the Highlands.

"Forsamekle as the Lords of Secreit Counsell ar informed that Johne, Bishop of Murrey, Mr Williame Douglas, minister at Forgue, Normand Leslie of Tulloche, Walter Halket at the milne of Rothemay, Mr Alexander Inneis, parson of Rothemay, Mr Andro Massie, minister at Drumblet, Mr Johne Reidfurd, minister at Kinbettock, James Hamilton of Cors of Kinmore, Johne Hamilton, his sone, Mr Johne Annand, parson of Kinmore, Johne Tarrell in Rothemay, Adamsons, elder and younger of Braco, Mr Alexander Douglas, doctor of medicine in Bamf, Sir Alexander Hay of Delgatie, Mr Robert Blair, minister at Forglen, Mr Thomas Mitchel, parson of Tureff, Walter Urquhart of Crombie, Johne Gordoun of Carnefeild, Thomas Dorwart in Achannachie, Henrie in Quhytlumes, Mr Alexander Forbes in Tureff, Walter Barclay at the kirk of Keith, Johne Gordoun, younger of Achannachie, Johne Reidfurd in Meyen, Johne Stevinsone there, Patrik and George Murreyes in Auchinnoul, Sir James Gordoun of Lesmore, Johne Gordoun of Buckie, Mr Richard Maitlane, minister at Abirchirdour, and Mr Johne Logie, minister at Rathven, can give information anent the heirships and depredations latelie committed upon the Laird of Fendraucht and of the authors, abbaters and hounders out of brokin men to the committing of the same; and the saids Lords being carefull to use all lawfull wayes and meanes for discoverie of this mater to the effect that the offenders in this kynde may be knowne aud punished and convenient remedeis sett doun for preventing the like disorders in tyme comming, thairfoir ordains letters to be direct charging the persons abonewrittin to compeir personallie before the saids Lords at ane certane day, to depone what they know or sall be speirit at thame in the mater foresaid under the pane of rebellion, etc., with certification, etc."

Charge to the Marquis of Huntly to produce certain rebels to the Council.

"Forsamekle as upon the 21 day of May, 1631, and 26 and last dayes of September last, Adame Gordon, sone to Sir Adame Gordon of Parke, Johne Gordoun in Carnehill, Donnald Kelles, Alexander Gow, Williame Gauld, Angus McInneis, James Inneis, Alexander McKercher, Johne Geins, Robert Couper, Johne Mill, and Androw Marriche in Cabrache, Adame Gordoun in Stradoun, James, Patrik and Alexander Gordons, his sonnes, George Gordoun in Auchterles, James, Adame and Harie Gordons, his sonnes, and Williame Ros in Stradoun, sister sone to James Gordoun of Letterfoure, wer orderlie denunced rebellis and put to the horne be vertew of criminall letters execute aganis thame at the instance of the Laird of Fendraucht and his tennents for not finding sufficient caution and souertie actit in the bookes of Adjournall for their compeirance before his Majesteis Justice and his deputs to have underlyne the law for diverse thifts, depredations and others crimes mentiouned and conteanit in the saids letters of horning, as the same dewlie execute, indorsat and registrat beiris; quhilks haill persons have so herryed and wracked the said Laird of Fendraucht and his tennents and others, his Majesteis

subjects, in the north and goe on in suche ane insolent and lawlesse ravaging athort the countrie as if his Majesteis auctoritie and the hand of justice wes not able to overtake thame; and since they ar all ather men, tennents and servants to George, Marques of Huntlie, or dependers and followers upon him, as being of his clan, kin and surname, and who accompanie him at oasting, hunting and all conventions, gadderings and meitings, and unto whome he is cheefe, and for whome be the lawes of the countrie, acts of parliament and Generall Band he aucht to be answerable and exhibite to thair tryell; thairfoir ordains letters to be direct to heralds, pursevants or messengers of armes charging the said Marques of Huntlie, as maister, landslord or cheefe to the rebellis particularlie abonewrittin, to exhibite and produce the saids rebellis before the saids Lords at ane certane day to the effect order may be tane for thair punishement as accords, under the pane of rebellion, etc.; with certificatioun, etc." Acta, June 1634-April 1636. Fol. 32, a.

Lordship of Torphichen.

"The Lords of Secreit Counsell continewes the advising of the processe anent the erectioun of the lordship of Torphichin till Tuisday come aucht dayes and ordains the Clerk of Counsell to advertise the Lord Torphichin heirof."

Edinburgh, 13th November 1634.

[Sederunt as recorded above.] Decreta, November 1633-April 1635. Fol. 166, a.

Supplication by Walter Troup and others, all of his Majesty's chapel, for payment of money due to them and for protection.

Supplication by Walter Troup, John Watsoun, Robert Colquhoun, John Castlelaw, Francis Marche, Robert Ros, Martine Thomesone, George Fergusoun, Stevin Tullidaff, Mr. Edward Miller, Eleazer McKiesoun, James Creichtoun, and Umphra Watsoun, all of his Majesty's Chapel, as follows:—In hope of receiving payment of that sum of money which the Lords Treasurer, principal and depute, received warrant to pay to them, they have contracted some debts, partly in furnishing their houses and partly in procuring some comely attire, seeing they most ordinarily attend his Majesty's Chapel, and for these debts they are now heavily distressed and threatened with imprisonment. If they had their money they could satisfy their creditors, and meanwhile they crave their Lordships' protection so that they may attend their service in the said chapel. The Lords grant their request as craved until 1st April next. Fol. 166, b.

13th November 1634. Anent charges to be delivered by heralds.

"All thir charges to be execute be heralds with displayed coat of armes and sound of trumpet."[1] Sederunts November 1629-January 1635. Fol. 130, b.

The disorders in the North.

"A missive to the Bishop of Murrey for conveening the gentlemen in Murrey to sett doun a report in writt of the disorders in the north and meanes for repressing the same."

Justices of the Peace.

"The Lords nominats the Erles of Tracquair, the Lord Lorne, the Bishop of Ros, the Lord Naper, and the Master of Elphinstoun to meit the morne at ten of the clocke in the forenoone for revising the rollis of the justices of peace."

[1] Referring to the charges against broken men.

Acta, June 1634-April 1636. Fol. 32, a.

Sederunt—Sanct Andrewes; Privy Seal; Murrey; Wintoun; Perth; Tracquare; Lorne; Bining; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Melvill; Master of Elphinstoun; Clerk Register; Advocate; Sir James Baillie. Edinburgh, 18th November 1634.

Appearance of Thomas Erskine of Balhagartie and others before the Council anent the selling of plaiding postponed till 8th January next.

Anent the supplication presentit to the Lords of Secreit Counsell be Thomas Areskine of Balhaggartie, Johne Leslie, younger of Pitcaple, Sir Alexander Hay of Dalgatie, Williame Dalgorno of that Ilke, Alexander Strauchane of Glenkindie, and Forbes of Corsindae, commissioners nominat for taking tryell of the abuses committed in the faires in the north by presenting of plaiding to mercat in hard folds and rollis, makand mention that where the saids Lords ordained the saids supplicants to make report the first Counsell day in November unto thame of what they sould find in the matter foresaid committed to the supplicants, quherein they have done thair exact diligence, bot in regarde of the terme quhilk straits the compleaners and compellis thame to attend at home for taking order with thair effaires they cannot compeir before the saids Lords at the day prefixt unto thame; humbelie desyring thairfoir the saids Lords to continew the dyet appointed for the supplicants compeirance and report in the mater foresaid till the aucht of Januar nixt, lykeas at mair lenth is conteanit in the said supplication; quhilk being read, heard and consideritt be the saids Lords and they advised therewith, the
Fol. 32, b. Lords of Secreit Counsell hes prorogat and continewed and be the tennour heirof prorogats and continews the dyet appointed for the supplicants thair compeirance and report in the mater foresaid untill the said aucht day of Januar nixt, quhairof Johne Sinclar, merchant burges of Edinburgh, Robert Tailyeour, burges of St Andrewes, Johne Sempill, provest of Dumbartane, and Lumsden, baillie of Aberdein, being personallie present as commissioners for the burrowes in this mater are warned *apud acta*."

Anent a supplication by John, Lord Balmerino, for certain documents connected with his trial.

"Anent the supplication presentit to the Lords of Secreit Counsell be Johne, Lord Balmerinoch, makand mention that where in the defence of of his life and innocencie challenged by the criminall persute depending aganis him at the instance of his Majesteis Advocat it is both just and necessar for the supplicant to have the principall paper givin in be him to the Lords of his Majesteis committee togidder with the extract of the haill depositions made in that processe under the clerks hand, togidder with the principall letter writtin and direct by Mr Williame Haig to the supplicant frome Campheir, dated 27 Junij last, wherein he declares that he cannot deny the penning of that supplication, quhilk letter the supplicant produced before the said Lords of committee upon the first day of August last bypast under protestation to have it up agane; and seing the supplicant cannot convenientlie gett the saids Lords of committee conveenned for giving up to him of the saids papers without which he can

have no deliberatioun with his lawyers in these his legall defences, and seing also the supplicant hes a great necessitie both for advice in this and all others his bussinesses to have the best helpe and counsell of his honnorable freinds and of conference with others that are concerned in his severall effaires; humbelie desyring thairfoir the saids Lords to give order for present delyverie to the said supplicant of the papers foresaids and als to give warrand to the constables of the Castell in maner and to the effect underwrittin; lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell ordains the clerk of the committee and others whome it concernes to delyver to the said supplicant ane authentick copie or double of the scandalous libell for quhilk the supplicant is challenged, togidder with the double of the supplicant his awne deposition made before the committee in this mater and of the letter foresaid direct to him frome Mr Haig, all under the hand and subscription of the said clerk of the committee; as alsua ordains and commands the constable of the Castell of Edinburgh to suffer and permitt James, Lord of Cowper, Alexander, Maister of Elphinstoun, Sir Thomas Ker of Cavers, Sir Walter Dundas of that Ilke, Michael Elphinstoun of Querrell, Robert Drummond of Medhope, Sir Lewes Stewart, Mr Thomas Nicolsone, Mr Androw Aittoun, Walter Hay, Mr Alexander Peirson, and Mr Johne Nisbit, advocats, to have accesse and conference with the said supplicant on all occasions in presence of the said constable, and that the saids advocats make faith to some of his Majesteis Counsell that they sall not meddle in anie bussines further nor what may concerne the supplicant his necessar and lawful defence; and the saids Lords inhibits and discharges the said Lord of Balmerinoch and his advocats and all others whome it may concerne to give anie copie of the scandalous libell to anie person whatsomever bot to keepe the same secreit for thair awne use and to reproduce the same at the bar after the closing of the caus; anent the doing of quhilks premisses the extract of this act sall be to the said clerk of the committee, constable of the Castell, and others foresaids ane sufficient warrand."[1]

Acta June 1634-April 1636. Fol. 32, b.

Fol. 33, a.

Edinburgh, 18th November 1634.

[Sederunt as recorded above, substituting Naper for Melvill, and omitting Sir James Baillie.]

Decreta, November 1633-April 1635. Fol. 166, b.

Complaint by John Cowie in Ruidmyre

Complaint by John Cowie in Ruidmyre, as follows:—Sir Alexander Falconer of Halkerton, elder, and Sir Alexander Falconer, his

[1] The trial of Lord Balmerino is one of the most famous State prosecutions in Scottish history. During the session of the Parliament, which met in Edinburgh during Charles' visit to Scotland in 1633, a section of the nobles had drawn up a "Supplication" in which they entered a protest against his ecclesiastical policy. Charles refused to receive the document. The charge brought against Balmerino was that an interlined copy of the Supplication was found in his possession. His trial lasted from June 1634 till July 1635, and he was found guilty by a majority of eight to seven. At the suggestion of Laud, it is said, Charles received him to mercy.—Row, 378-379; Balfour, *Annales*, II,, 116-120; State Trials, III., 591-711.

Decreta, November 1633-April 1635. Fol. 167, a.

son, have causelessly conceived a grudge against him but fearing to attempt any violence, have resolved under colour of law either to do him some affront or force him to compone with them for crimes, of which he is innocent. For this end they first prosecuted before his Majesty's Justice one David Murray for the theft of some plough irons and Alexander Chrystie for resetting the same, but the latter compeared and cleared himself, while the former fled, but was taken upon letters of caption by the said Laird of Halkerton, who took him to his own house and kept him there for several days during which he dealt both personally and by means of others with the said David Murray to accuse the complainer as the resetter of the said plough irons, promising him his life and impunity if he did so, but threatening him with the extreme rigour of the law if he refused. Thus terrified with the fear of death the said David falsely accused the complainer as the resetter of the irons, whereupon the said Laird of Halkerton, "seeing the mater weele brought to his hand, and thinkeing that he wes now sufficientlie armed to worke out his intendit purpose aganis the compleaner, sent for him, and told him that the said David had deponed aganis him in a poynt concerning his lyffe, and craved some composition of him, promising to warrand him frome the challenge and make him frie." The complainer, however, conscious of his innocency, refused, and frankly told him "that some nyne yeeres agoe he ressaved a pleuche socke frome this Murray quhilk he affirmed to the compleaner wes a part of his mothers displenishing of a roume," but as soon as he heard that Murray was suspected of stealing the plough sock he sent the same to the owner. The Laird of Halkerton, being dissatisfied with this answer, sent Mr. Alexander Simsoun, minister at Conveth, to the complainer, who earnestly dealt with him to give a composition and not suffer the matter to come to a public hearing; but he still refused. Thereupon the Laird of Halkerton took the said David Murray to Robert Keith of Quhytrigs, alleged sheriff depute of Kincardin, "with ane pleuche soome for ane fang," and dealt with him to bring the complainer and Alexander Chrystie within the compass of the law for reset, and the said sheriff depute thereupon directed his precept to them to appear before him on 3d August last to hear Murray's depositions received against them. The complainer, however, "thinking such a forme of charg to be verie uncouth and not allowable be the lawis of this kingdome, and being visit that tyme with seicknes," neglected that diet, for which this pretended depute fined him £50 for contumacy, and charged him of new to appear before him in a justice court to be held at Stanehyve on 6th August to underlie the law for reset of the said plough sock; whereupon, although the charge was summary and illegal, for the law allows fifteen days to a man to plead for his life, the complainer offered caution to appear upon fifteen days' warning in terms of the Act of Parliament, but the clerk refused it, as an instrument taken thereupon shows. That same day the said David Murray was tried by an

against Sir Alexander Falconer of Halkerston and Sir Alexander Falconer, his son, for illegal proceedings against the complainer whom they charge with resetting plough irons.

Fol. 761, b.

assize before the said depute for the theft of the said plough sock, but the assize, "finding no fang with him and the alledgit thift to be committed nyne yeeres agoe," cleared him thereof; and thereupon the said depute by the procurement of Halkertoun declared the complainer fugitive, and intends to seize upon his whole goods, as what is sought is the complainer's life, or else that he redeem it with his goods. This is a "mater verie dangerous and not allowable be the lawis of this kingdome to admit ane convict and suborned theefe to bring the lyffe, fortunis and reputation of honest men in question, nather can anie shireff pretend in maters of thift or other crymes quherupon the paine of lyffe may follow without speciall commissioun from the Counsell except the criminall be takin with the fang, quhilk caise is not heere; and furder the said pretendit depute is no depute to the said shireff, but has usurped our soverane Lords power and auctoritie to take upon him the place of ane judge without anie lawfull warrand; and it is lykelie that he and the said depute hes colludit to make havok of the compleaner and his estate and to use his Majesties auctoritie as a clocke to thair unjust designes." Charge having been given to the said sheriff depute and Laird of Halkertoun, and the pursuer appearing but not the defenders, the Lords suspend and annul all the foresaid process against the pursuer and discharge the defenders from putting the same to further execution against him until they produce all documents in the case and the pursuer be warned to attend their production.

Decreta, November 1633-April 1635. Fol. 167, b.

Fol. 168, a.

Complaint by Alexander Christie in Pitgarvie against Sir Alexander Falconer of Halkerston and Patrick Falconer of Newtoun, for suing him at law on various false charges.

Complaint by Alexander Chrystie in Pitgarvie, as follows:—Sir Alexander Falconer, elder and younger of Halkertoun, and Patrick Falconer of Newtoun, out of a deadly hatred and malice against him and having resolved to take his life, have for long vexed and troubled him with pleas both before the Lords of Session and his Majesty's Justice. In all this his innocency has ever borne him out, and he thought that he was now free of further vexation. Yet on August last they charged him to appear before Robert Keith of Quhytrigs, pretended sheriff depute of Kincardin, to underlie the law for the alleged stealing of two plough irons, at least for the reset thereof, which were stolen by one David Murray, whom the said Sir Alexander apprehended as fugitive for that crime and kept in his company until he forced him, upon promise of his life, to depone that the complainer had reset them. The pretended sheriff depute for his non-compearance has fined him £50, or intends to do so, or declare him a fugitive; and most wrongfully so, because at the instance of the said Sir Alexander and Patrick Falconer he was convened on 27th July, 1633, before his Majesty's Justice on the above and other charges, when by the voices of the whole assize he was assoilzied of this very crime for which he is now convened before this pretended depute. It is presumption in any inferior judge to meddle in a matter already tried by his Majesty's Chief Justice; and no sheriff can proceed in a matter of theft without a special commission, unless the criminal is taken

Fol. 168, b.

Decreta, November 1633-April 1635. Fol. 168, b. Fol. 169, a.

with the fang; yet the reset of which the complainer was assoilzied was alleged to have taken place twelve years since. Besides, the pretended sheriff depute's authority is usurped. Charge having been given to the said Robert Keith and Sir Alexander and Patrick Falconer, and the pursuer appearing but not the defenders, the Lords suspend the precepts and other writs issued against the pursuer by the defenders and discharge them from all execution thereof until they produce the same before their Lordships and warn the pursuer to their production.

Complaint by James Edmonston of Hermeitscroft against Sir John Haldane of Gleneagles and others for illegal horning.

Complaint by James Edmonstoun of Hermeitscroft as follows:—He has been put to the horn, he is informed, at the instance of Sir John Halden of Glennegeis, James Mushet, fiar of Burnbanke, Harry Home of Argatie, William Caddell in Downe, John Stewart, William Fergusone, Fol. 169, b. and Harry Murray, servitor to the said Sir John, for his not compearing to answer to a complaint by them against him for an alleged wrongful pursuit by him against them before their Lordships. Now, he was never lawfully charged and no knowledge thereof came to him, for, if it had, he would willingly have appeared. He has, however, found caution in their Lordships' books in 300 merks to appear this day, and to pay 40 merks as his escheat to his Majesty's Treasurer and receivers of his rents if it be found he ought so to do, and he therefore craves suspension of the horning. Charge having been given to the persons named, and the pursuer compearing, but none of the defenders, the Lords suspend the horning as craved.

Fol. 170, a.

Complaint by Sir Alexanber Nisbet of that Ilk against John Cranston of Corsbie and others for carrying prohibited weapons and injury done on the lands of the complainer.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Sir Alexander Nisbet of that Ilk, party grieved, as follows:—In contravention of the laws against wearing of firearms, on 14th October last, John Cranstoun of Corsbie, James and Thomas Cranstoun, his brothers, Thomas Cranstoun in Lawder, Thomas Cranstoun in Huntliewood, Willim Cranstoun in Ednem, William Seaton, uncle to the Laird of Touch, Alexander Home of Huntliewood, Alexander Home, fiar of Bassindene, Mark Home of Morestoun, Andrew Haitlie of Sneip, Thomas Cranstoun in Bassinden, William Home in Morestoun, Patrick Yuill in Mellerstanes, George Malice in West Gordon, James Neilsone there, James Fairbairne in the Slap and Archibald Gibsoun in Gordoun, with convocation of the lieges to the number of 120 persons, a great many of whom were armed with lances, swords and steel bonnets, others with flails and long stings, and some with hagbuts and pistols, came in a hostile and warlike manner to the barnyard in Rumiltounlaw which, with the lands and teinds of Rumiltounlaw, belongs by good right to the said Sir Alexander Nisbet, who had led and stacked his teinds there, "and in despyte of him they kuist doune a teind stacke quhilk he had in his barneyard, threw a great nomber of the cornes among the feilds and tooke the rest away with thame." When he heard of this, Sir Alexander sent his men, Thomas Nisbet and Patrick Abernethie, notary, to inquire why they thus oppressed him, when "they shamefullie strake the said Thomas on diverse

parts of his bodie and so birsed and bruised him that he hes never beene weele sen syne; and the said William Seatoun threatned the notar, avowing to take a ticket aff his haffet if he gave out anie instrument in this mater." Charge having been given to the persons named and the pursuers compearing personally and likewise all the defenders charged except Patrick Yuile and George Malice, the Lords, after hearing parties and several witnesses, find that the defenders most unlawfully convocated at the time and place libelled, thereby committing a great insolence and violation of the laws and for this they ordain them to be warded in the tolbooth of Edinburgh until they be released by their Lordships. They further find that Andrew Haitlie and John Cranstoun of Corsbie wore pistols at that time, and ordain them to be warded in the said tolbooth until they compone with his Majesty's Treasurer thereanent; but their Lordships assoilzie from this point of the complaint the said Thomas, James and William Cranstoun, and Mark Home. The Lords also ordain that Patrick Yuill and George Malice be charged to enter into ward within the tolbooth of Edinburgh within six days, until the Lords take order with them, on pain of horning. Evidence as to the wearing of pistols was taken by the oath of verity of the defenders.

Decreta November 1633-April 1635. Fol. 170, b.

Fol. 171, a.

Edinburgh, 20th November 1634.

Sederunt—Sanct Andrewes; Privy Seal; Perth; Lauderdaill; Dumfreis; Tracquaire; Lorne; Bining; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Melvill; Master of Elphinston; Clerk Register; Advocate; Sir James Baillie.

Acta, June 1634-April 1636. Fol. 33, a.

Report of Lord Lorne anent duties exacted by the landowners in the Isles from the members of the Association for the Fishing.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Archibald, Lord of Lorne, who for satisfaction of the commissioun direct be the Counsell to him and to Neill, bishop of the Yles, for tryell taking of the dewteis exacted by the Ylanders frome his Majesteis subjects of the Associatioun resorting in these parts and by what warrand and right they doe the same, exhibite before the saids Lords ane report in writt subscryved be the said Lord of Lorne and bishop of the Yles and some of the ylanders, togidder with ane letter direct frome the Erle of Seafort to the Bishop of the Yles, bearing that in obedience of his Majesteis desire he had forborne to exact anie dewteis frome the English, and that no strangers did repaire to anie of his lands; of the quhilk report the tennour followes:—At Inverraray, the twentie nynt day of August j^{m}vj^{c} threttie four yeeres. Quhilk day, in presence of Archibald, Lord Lorne, and Neill, Bishop of the Yles, anent the commissioun direct unto thame be the Lords of his Majesteis most honnorable Privie Counsell for calling of the landslords and heretours of the Yles before thame and examining of thame what dewteis they exact of his Majesteis subjects of the Associatioun resorting there, what is the ground leave of these exactions, and by what warrand they doe the same, as alsua to take tryell and informe thameselffes how and by whome strangers ar brought

Fol. 33, b.

Acta, June 1634-April 1636. Fol. 33, b.

in and thair vessellis loadned with fishes and others native commoditeis; as the said commissioun of the dait at Edinburgh the twentie fourt day of July last bypast beiris. And the saids commissioners, having in humble and dewtifull obedience of the saids Lords their commission foresaid conveenned the landslords and heretours of the Yles underwrittin this day and place, they ar to say, Sir Donnald McDonnald of Sleat, knight baronnet, John McCleod of Herreis, Johne McRannald of Ilantirum, captane of Clanrannald, Neill McNeill of Bara, Sir Lauchlane McClaine of Morverne, knfght baronnet, Murdoch McClaine of Lochbuy, Lauchlane McClaine of Coill, Lauchlane McCharles V^cFingon for the Laird of McKynnon, and the foresaid commissioun being publictlie read over in all thair audiences thereafter the saids commissioners did interrogat and examine everie ane of the saids ylanders in particular what dewteis they exact of his Majesteis subjects of the Associatioun resorting there; and the saids Sir Donnald McDonnald, Johne McCleod, Johne McRannald and Neill McNeill of Bara *una voce* gave the ansuer and declaratioun following, viz., that it wes the ancient custome before the dait of the contract afterspecefeit (quhilk they thinke to be about fourteene yeeres since or thereby) to everie ane of thame in whois bounds the herring fishing fell out to exact of everie barke or ship resorting thereto for ankorage or ground leave ane barrell of aill or meale in the owners optioun, and for ilke anker layed on shoare sax shillings aucht penneis, and out of everie last of herring slaine there three punds money, togidder with the benefite of everie Saturdayes fishing; and that now they exact onelie from his Majesteis subjects of the Association for ilke ship and barke that comes to the herring fishing threttie sax shillings Scotish money, and for ilke ship that comes to the gray and whyte fishing twentie merkes, and this for ankorage and ground leave conforme to ane contract past betuix the said Sir Donnald, Johne McRannald, and umquhill Sir Rorie McCleod and some others of the ylanders on the ane part and certane of the burrowes in the east countrie on the other part in anno 1620 or thereby, quhilk they say is registrat in the bookes of Counsell. 2. They being interrogat what is the ground leave of the saids dewteis quhilk they now lift, they say they can make no division becaus the same is payable to thame be the said contract for ane ankerage and ground leave, whiche they refer to the contract itselffe. 3. Being demanded by what warrand they uplift the saids exactions and dewteis foresaids they ansuer that they ar heretours of the ground and so may

Fol. 34, a.

lawfully take up satisfactioun for ground leave and ankerage, it being ane ancient custome and in use to be done past memorie of man. 4. Being demanded how they can exact the particular exactions and dewteis foresaids from anie of his Majesteis subjects of the Associatioun who have not contracted with thame, they ansuer that they take no more aff thame than aff these who have contracted, wherein they think they doe thame favour becaus they thinke they might uplift from thame the foresaid

ancient dewtie and exactions that they wer in use to gett before the dait of the said contract in respect of the antiquitie of the custome and that they ar heretours of the lands and that they have made no conditioun with thame. Item, the saids Sir Lauchlane M°Claine, Murdoch M°Claine of Lochbuy, Lauchlane M°Claine of Coill and Lauchlane M°Charles V°Fingon being all examined anent the premisses, they and ilke ane of thame declared that there is no fishings within thair bounds wherethrow they may exact anie thing frome his Majesteis subjects of the Associatioun, bot if the fishings wer in these bounds they would be content to exact no more nor the saids north ylanders doe. And the saids haill ylanders being demanded how and by whome strangers wer brought in and thair vessellis loadned with fishes and other native commoditeis, they all in one voice answered that nane of thame nor anie within their bounds does anie suche thing, onelie the said Sir Donnald M°Donnald declares that the last yeere there came into Lochmadie to the herring fishing in his bounds ane Dutche ship frome Dubline having the deputie of Ireland his warrand and four French shippes with some men of Air who transported no commoditeis away bot herring and other fishes. Upon the trueth of the quhilks ansuers and declarations abonewrittin the saids ylanders and ilke ane of thame for thair awne parts offered thame to give thair oaths of veritie. In witnes whairof the saids commissioners and ylanders have subscryed thir presents day, yeere and place foresaid. *Sic subscribitur*, Lorne; Neill, Iles; Sir Donald Ma°donald of Sleatt; S. L. M°Laine, Morverne; J. M°Leod of Dunvegane; Ma°rannald; we, Neill M°Neill of Bara, Lauchlane M°Claine of Coill and Lauchlane M°Charles V°Fingon abonewrittin with our hands at the pen led be the notars undersubscryvand at our commands becaus we cannot write ourselffes, *de mandato dictarum personarum scribere nescientes ut asseruunt, ego, Georgius Campbell, notarius publicus, subscribo.* Quhilk being read in audience of the said Lords they allow of the said Lord of Lorne and the said bishop of the Yles thair diligence heerin and finds that they have carefullie performed what wes committed unto thame." Acta June 1634-April 1636. Fol. 34, a.

Anent advocates for Lord Balmerino.

"The whilk day the Lords of Secreit Counsell, having heard and considderit the reasons propouned be Sir Lewes Steuart and Mr Thomas Nicolsone, advocats, who wer personallie present, why they aucht not to compeir and defend the Lord Balmerinoch aganis the dittay whereupon he is to be accused, the Lords allowes of Sir Leues Steuart his reason of refuisall and thairfoir freiths and releeves him of all pleading for the said Lord Balmerinoch, and ordains Mr Thomas Nicolsone to repaire to the Castell of Edinbnrgh and to confer with the Lord Balmerinoch and to assist him with his best advice in what he lawfullie may for defence of his life." Fol. 34, b.

Decreta, November 1633-April 1635.

[Sederunt as recorded above with the addition of Sir James Baillie.] Edinburgh, 20th November 1634.

Fol. 171, b.

Complaint by George Buchanan, merchant at Kirkpatrick, against George Johnstone, son of John Johnstone of Lockerbie, and others for injury done to his glebe and for assault on his wife and servants.

Complaint by Mr. George Buchannan, minister at Kirkpatrick juxta, as follows:—He took great pains this year in winning the corns of his glebe and of another piece of land which he has in tack from Mr. Samuel Jonstoun, in which tack the teinds are included, and at the pleasure of God he succeeded in getting them "weele winne, led, stakkit and heidit." But upon October last George Johnstoun, son of John Johnstoun of Lockabie, William Johnstoun, called Crawfuird, James Litle at the Mylne of Hutton, David Grahame, called of Carnewath, bailie and officer to the Lord of Johnstoun of his barony of Hutton, William Grahame, called of Carnwath, John Graham, called of Dryffs, James Grahame, called Peters Jamie, Matthew Thorbrand at Johnstoun, and William Bell there, all men, tenents and servants to the Lord of Johnstoun, and Dame Sara Maxwell, Countess of Wigtoun,

Fol. 172, a.

his mother, and others, to the number of forty persons, all armed in warlike manner, at the special instigation of the said Lord of Johnstoun and his mother, "came in a verie foule and raynie day to the compleaners barneyard," and without respect to the complainer's calling "being a minister," or his estate and condition, he "being ane poore man haveing nothing to live on bot a small and unworthie stipend," and the foresaid corns, "verie maliciouslie kuist doune his stakks and threw his cornes about the feilds, tooke a great part of thame away with thame, and destroyed the rest at thair pleasure. And when as the compleaners wyfe and bairnes came to thame and in verie faire and modest termes askit of thame the reason of thair lawles proceedings, they most shamefullie and unhonestlie pat violent hands in the compleaners wyfe and servants, his wyfe being great with chyld; they strake her on diverse parts of her bodie, especiallie in her heid and mouth, till they loused the whole teeth in her heid, to the great effusion of her blood, and she wes so cruellie bettin be thame that she hes ever beene in danger of her lyffe and be appeirance either she or her bairne will hardlie escape with thair lyffe. Lykeas with the lyke shamefull violence they patt hands in the compleaners sister in law, harled her by the haire of her heid, and pulled out a great quantitie of the same and so mishantlie abused her that she hes fallin into ane heich fever and hes beene ever sensyne tyed to her bed without hope of recoverie; and the rest of the compleaners servants were so heavilie beatten that few of thame hes beene able to travell or work sensyne." Charge having been given to the persons named, and to Hew, Viscount of Airdes, husband of Dame Sarah Maxwell, for his interest; and the

Fol. 172, b.

pursuer compearing personally with Mr. Walter Whytfurde, parson of Moffat, and all the defenders being also present, except the Countess of Wigtoun and her husband, and parties and their witnesses having been heard, the Lords find that the said George Johnstoun, son of

William Johnstoun in Lokebie, William Johnstoun called of Crawfurde, James Litle, Matthew Thorbrand, David, William, John and James Grahame, and others of the lieges in convocation to the number of thirty persons came and cast down the complainer's corns which had been stacked for fourteen days, and for this insolence against a minister they ordain them to be warded in the tolbooth of Edinburgh and there remain until their Lordships release them; but they assoilzie them from the complaint of injuring and abusing the complainer's wife and sister-in-law. Further, they assoilzie the Lord of Johnstoun from the accusation of having hounded out these persons to this deed as he declared upon oath that it was not so. The Lords also find that no processe ought at present to be granted against the Countess of Wigtoun because when she received the charge she was about to embark for Ireland, as she stated to James Vauch, messenger, who executed the charge and was personally present. Moreover, the Lords ordain the Lord of Johnstoun to find lawburrows to Mr. George Buchannan in 1000 merks, and Mr George Buchannan to find lawburows to the said Lord of Johnstone in 500 merks, in the books of Privy Council, and this being done they discharge all former similar bonds by either of them to the other in the Books of Session. And because the Lord of Johnstoun gave his oath that he dreaded oppression in his lands and goods from the said Mr. Walter Quhytfurde, the Lords ordain the said Dr. Quhytfurde to find lawburrows to him in 1000 merks in the books of Privy Council.

Decreta, November 1633-April 1635. Fol. 172, b.

Fol. 173, a.

Counter-complaint by William and David Grahame of Carnwath and others against George Buchanan, minister of Kirkpatrick, and others for seeking thair lives and wounding them.

Counter-complaint by William and David Grahame of Carnwath, William Jonstoun, called of Crawfurde, George Jonstoun, son of John Jonstoun in Lockabie, James Litle at the Milne of Hutton, John Grahame, called of Dryffs, James Graham, William Ker, Matthew Thorbrand and William Bell, as follows:—They were directed by William (*sic*), Viscount of Airdes, and Sara, Countess of Wigtoun, his spouse, to draw the teind sheaves of the forty shilling lands of the Kirktoun of Kirkpatrick, which belongs to the said Countess in tack and of which she has been in possession for several years past. Accordingly, in October last they went peaceably to teind the lands of Mr. George Buchannan, minister at Kirkpatrick, but they were refused by him, and "with manie disgracefull and contumelious speeches" he upbraided the said Countess and her husband. Thereafter, accompanied by Mr. David Vauch, James Johnstoun, shoemaker, Symont Vauch in , and James Vauch, notary, and others, armed in warlike manner with kents, swords and other weapons, he came upon the complainers and pursued them for their lives, wounding them to the effusion of their blood. Charge having been given to these persons, and pursuers and defenders compearing, the former referred for proof of their complaint to the oath of verity of the said Mr. George Buchannan,

Fol. 173, b.

Decreta, November 1633-April 1635. Fol. 174, a.

who having been sworn and denying the truth of the complaint, the Lords assoilzie the defenders.

Complaint by William Elliot and others, all burgesses of Selkirk, against Andrew Riddell of Haining for illegal horning under which they lie at his instance.

Complaint by William Ellot, bailie, James Ellot, George Andersone, Robert Scot, James, George and William Lidderdaill, Robert and John Dun, John Purves, Walter Scot, Thomas Scot, John Bryden, Robert Wallace, James Thomesone, Michael Rathie, John Mudie, James, Patrick and William Kene, John Minto, Symon and George Halyday, David Ellot, George Haistie, William Purves, James Noitman, James and John Wauch, William Tait, John and William Smaill, John and Robert Dalgleish, James Turnor, John Haistie, Robert Yong, Michael Mitchelhill, George Johnstoun, George Wilkiesone, Robert Hislop, Thomas Brewhous, Ralph and John Sinton, Cuthbert Hall, William Scot of Pillers, John Fletcher, Thomas Halywell, Alexander Yong, William Daw, James and John Ewart, Malcolm and Thomas Turnbull, James Andersone, William Thomesone, George Dobson, Robert Porteous, Thomas Jackson, elder and younger, Robert Frier, Thomas Welshe, William Nicoll and Andrew Shortreid, Robert Scot, George Riddell, James, Patrick, Andrew and John Murray, William Graham, James Ker, William Halywell, John and Robert Currouis, Robert Cowane, James Murdo, James Johnstoun, Mr. William and Peter Watson, George Porteous and William Scot, all burgesses of Selkirk, as follows: —They are charged at the instance of Andrew Riddell of Hayning to find caution for his indemnity in the books of Privy Council, each in 500 merks, within short space, under pain of horning. They are wrongfully charged so to do, for they never wronged him nor any of his tenants in word or deed, and he cannot give his oath that he dreads

Fol. 174, b.

harm at their hands, so that it is but of malice. This is further seen in the extraordinary penalty, for they, being but burgesses and craftsmen, ought not to find lawburrows in more than £40. They have, however, found caution for obeying if they be found liable, and meanwhile crave suspension of the horning. Charge having been given to the said Andrew Riddell, and the pursuers compearing by William Scot, bailie of Selkirk, but the defender not compearing, the Lords suspend the horning as craved, and also modify the sum of 400 merks each, in which the pursuers have found caution as follows:—James Ellot, to 100 merks; Robert Scot, 200 merks; James Lidderdaill, 200 merks; the remaining persons save William Ellot to £40; and the said William Ellot's caution is to remain at 400 merks.

Fol. 175, a.

Supplication by John Tosheoch, prisoner in the Tolbooth of Edinburgh, that he may either be freed from his ward or his maintenance paid.

Supplication by John Toshoche, prisoner in the tolbooth of Edinburgh, as follows:—Their Lordships know how long he has been in this prison in great misery and how that, the Marquis of Huntlie having passed from the prosecution of him, his maintenance has been laid upon his Majesty's Treasurer until answer should be received from his Majesty as to the disposal of his case, for which their Lordships wrote. No answer has as yet been received, but the Treasurer refuses

longer to pay his maintenance unless he obtain a new warrant. He therefore craves that their Lordships will take some course either for his liberation or for his maintenance in ward and the payment of the arrears thereof. The Lords, after again seeing the letter written by the Marquis of Huntlie to Mr. James Farquharson, his agent, declaring that he would no longer insist against the supplicant nor pay for him, and considering that it is noways reasonable to burden his Majesty's Treasurer with the payment or that the supplicant should starve in ward, ordain the provost and bailies of Edinburgh to liberate him in so far as he is warded for the cause abovewritten; and the supplicant, having given his great oath that he is unable to find a cautioner, obliges himself to appear before his Majesty's Justice whenever lawfully charged to answer for the crime for which he was warded under the pain of £1000 and perjury, and in the like penalty that he will keep good rule and not molest any of the lieges; and they further discharge him from going within twenty miles of the houses of the Marquis of Huntlie or the Earl of Erroll in the north. Decreta, November 1633-April 1635. Fol. 175, a. Fol. 175, b.

Complaint by Andrew White, keeper of the Tolbooth of Edinburgh, against Mr. David Ayton, agent for the Earl of Rothes, for not paying him his jailor's fee for the late Patrick Halket.

Complaint by Andrew Quhyte, keeper of the tolbooth of Edinburgh, as follows:—The deceased Patrick Halket of Lymfinnane was on 28th April last warded in the said tolbooth, and remained therein until his death on 14th inst. There is due to the complainer his "jeveller fie, being foure shilling ilk 24 houres," extending to £40. He was kept in ward by Mr. David Aitoun, agent for the Earl of Rothes, who paid to him 8s. daily, but refuses to pay the jailor fee. Both pursuer and defender compearing, the Lords, with consent of the said Mr. David, ordain him to pay the said £40 of jailor fee.

Supplication by David Ross of Balnagoun, minor, for continuance of protection that he may prosecute his studies.

Supplication by David Ros of Balnagoun, as follows:—Their Lordships considering the distressed condition of the supplicant on account of the debts incurred by his father and other predecessors, and how that their creditors, not content with proceeding against his lands, endeavoured all they could to imprison him, and so "interrupt his breiding at shooles" and debar him from access to his friends, granted him their protection for a year. This has now expired and his friends have brought him to Edinburgh and "put him to the colledge where he most attend his studies in philosophie." That the rigour of his predecessors' creditors may be restrained he craves an extension of his protection, and this the Lords grant for another year after the date hereof. Fol. 176, a.

Complaint by John Charlech, *alais* M'Kinnon, and others against Hew Ross of Auchnacroich and others for assault and illegal warding.

Complaint by John Charlech, *alias* M°Kynnon, Neill M°Ewin M°Onell Bayne, *alias* M°Kynnon, Donald M°Onill Oigsoun, Donald Dow M°Gillichrist, Angus M°Gillechryst and John Roy M°Ewin V°Phaill, tenants and servants to John M°Kynnon of Strathordaill, also the said John M°Kynnon for his interest, and Lachlan M°Charles V°Kynnon in Torrell and Mr. Neill M°Kynnon, parson of Slait, as administrators for the said John, as follows:—In August last the said Fol. 180, a.[1]

[1] Omitted at its proper place in the Register.

Decreta, November 1633-April 1635. Fol. 180, b.

tenants went from the place of their residence, which is the isle of Sky, to the county of Ros on their lawful business aud were peaceably returning home when Hew Ros of Auchnacroich, accompanied by twenty four persons armed with swords, staves, bows, darlochs and other weapons, pursued them for their lives and, having seized them, "band thame with cords, bowstrings and belts, and caried thame captives to the said Hew his house where they keepe and deteane thame in close prison as yitt." Charge having been given to the said Hew Ros, and the pursuers appearing by Archibald, Lord Lorne, and the defender also compearing and producing a process of conviction of the said John M°Charliche, Neill M°Ewin, Donald M°Coneill Oig, Donald Dow M°Gilliechrist, Angus M°Gillichrist and John Roy M°Ewin, whereby "they were lawfullie convict of diverse poynts of thift and slauchter and condemned, and accordinglie hanged for the same, in ane justice court haldin be John, Erle of Sutherland, shireff principall of the shirefdome of Sutherland, and his deputs in the palace of Dornook upon the fourt day of August 1633," the Lords in respect thereof assoilzie the defender.

Sederunta, November 1629-January 1635. Fol. 131, a.

"A missive to the Secretar desyring him to haisten and send doun the conjunct commissioun of the Borders for the better quyetting and redresse of the disorders in these bounds." Edinburgh, 20th November 1634. Disorder on the Borders.

Acta, June 1634-April 1636. Fol. 34, b.

Sederunt—Privy Seal; Glasgow; Perth; Wigton; Lauderdaill; Dumfreis; Tracquaire; Lord Lorne; Bining; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Naper; Melvill; Clerk of Register; Advocate. Edinburgh, 25th November 1634.

"Forsamekle as, albeit by diverse acts of Parliament and convention made and published heirtofore all the subjects of this kingdome wer straitlie commandit and ordained to communicat once everie yeere at the least within thair awne parishes without anie pretext of excuse whatsomever under certane panes mentiouned and conteanit in the said acts, notwithstanding whairof his Majestie is informed of ane great abuse that hes of late yeeres prevailed in this kingdome by the disorderlie behaviour of some dissobedient people, who ordinarlie, when the communion is ministrat in thair parishes and at all other tymes when thair occasions and their humor serves thame, not onelie leaves thair awne parish kirkes bot runnes to seeke the communion at the hands of suche ministers as they know to be disconforme to all good order, which is the meanes of thair dissobedience to his Majesteis lawes; and thairfoir his Majestie, with advice of the Lords of his Secreit Counsell, hes discharged and be the tennour of this present act discharges all suche wandrings of the people frome thair awne teachers and parish kirks under the pane of his Majesteis high displeasure, quhilk sall be execute upon thame without favour; as alsua his Majestie commands and ordains that all Charge to the lieges to communicate at least once a year in their own parish churches, and not to seek the communion at the hands of non-conforming ministers.

his Majesteis subjects sall communicat in thair awne parish kirks once at the least every yeere under the panes conteanit in the acts of Parliament made heiranent; certifeing thame that sall failyie and doe in the contrare heirof that they sall be callit and punished as noncommunicants, conforme to the saids acts, and ordains letters to be direct charging officers of armes to pas and make publication heirof be opin proclamatioun at all places neidfull, quherethrow nane pretend ignorance of the same. Followes his Majesteis missive for warrand of the act abonewritten:— Acta, June 1634-April 1636. Fol. 34, b.

His Majesty's warrant for the above charge.

CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousins and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. We have beene informed of a great abuse that has prevailed within these late yeeres in that our kingdome by the disorderlie behaviour of some dissobedient people who, leaving thair awne parish churches, runne to seeke the communion at the hands of suche ministers as they know to be disconforme to good order, whiche is the meanes of thair dissobedience to our lawes and to interteane a schisme in the churche; the repressing whairof being onelie in our power, it is our expresse pleasure that by opin proclamatioun yow discharge all suche wandrings of our people frome thair awne teachers under pane of our high displeasure; with certification that whosoever sall not communicat in thair awne parish churches once at least a yeere sall be callit and punished as noncommunicants according to the act of parliament made thereanent. Wherein expecting your diligence and for whiche these sall be your warrand, we bid yow farewell. Frome our honnour of Hampton Court, the 20 of October, 1634." [1] Fol. 35, a.

The Lordship of Torphichen.

"The Lords continewes their further advising of the processe anent the erecting of the lordship of Torphichin till Thursday nixt."

Edinburgh, 25th November 1634.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 176, b.

Complaint by Archibald Grant of Dalvey against John M'Alaster for illegal horning.

Complaint by Archibald Grant of Dalvey, as follows:—He is informed that he has been put to the horn at the instance of John McAllaster in Callendar for not appearing before their Lordships to answer to the said John's complaint. Now he was never lawfully charged to do so or he would have compeared and cleared himself, but he has found caution in their Lordships' books in 500 merks to compear and answer and to pay £40 as his escheat to his Majesty's Treasurer, principal and depute, if found liable therein. He therefore craves suspension of the horning. The pursuer compearing but not the defender, the Lords suspend the horning. Fol. 177, a

Complaint by

Complaint by John Bannatyne, apparent of Corehous, as follows:—

[1] This entry is important as proving that a number of ministers had continued to reject the ecclesiastical innovations of Charles and his father even as late as 1634, and that they had a considerable following of the laity throughout the country.

Decreta November 1633-April 1635. Fol. 177, a.

John Bannatyne, apparent of Corhous, against Thomas Lindsay, merchant burgess of Edinburgh, who illegally keeps the complainer from the house of Corhous which belongs to him.

Upon a horning raised by Thomas Lindsay, merchant burgess of Edinburgh, against William Bannatyne of Corehous, his father, for non-payment of certain sums of money, letters were directed by their Lordships for the rendering of the house of Corehous to the herald or macer who should execute the same. Mr. William Douglas, macer, when he came, finding the complainer in the house, charged him as being a haver to render the same; and he at once obeyed, and delivered the keys thereof to the macer, who presently has them. But the house is his own property, and he was in possession thereof by his infeftment which contains no reservation in favour of his said father, and his right thereto has never been called in question till this present interruption. The said Thomas cannot claim one penny from him and he ought not to

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be distressed for his father's debts. If the said Thomas can show that his father has any right thereto, he is ready to find caution to render the same. But the said house is "ane old ruinous hous, deficient and faultie bothe in the roofe, lofts and other parts thairof," and, if it stands waste through this winter without fire, it will be greatly injured. Charge having been given to the said Thomas Lindsay, and he compearing along with the pursuer, who produced his infeftment of the said house, the Lords, after inspecting the same and hearing parties, ordain the said Mr. William Douglas to deliver to the pursuer the keys of the said house and fortalice of Corehous to be kept by him as his own house.

Continuance of protection to Edward Johnstone.

"Edward Jonstoun his protection prorogat till the thrid of Junij nixt."

Supplication by Robert Stirk, sometime messenger in Dumfermline, that he may be reinstated in his office.

Supplication by Robert Stirk, sometime messenger in Dumfermline, as follows:—Their Lordships know how that about a year since he was warded in the tolbooth of Edinburgh by Mr. Alexander Colville, Justice Depute, for taking compositions from some assisers in Kirkcaldie to remain at home. After fifteen days' imprisonment he was prosecuted for this by his Majesty's Advocate before their Lordships, and the charge having been proven against Robert Adam, the supplicant's servant, their

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Lordships ordained him to repay to the assisers the double of what he received, and took his blazon from him, depriving him of his office. He acknowledges his offence and the just procedure of their Lordships therein, and, as he promised that the like offence should never occur in him again, so he is persuaded their Lordships did not mean to seclude him for ever from his charge. Moreover, seeing the offence was not so much his own as that of his servant, and for it he has been warded, fined and suspended from his office for almost a year, as also that he is an old man, and has a family which he can only maintain by his service, in which, except for that one particular, he has for twenty years past lived unblameably towards all men, he humbly craves that their Lordships would grant a warrant to the Lyon and his brother heralds to restore to the supplicant his blazon and repone him to his office of a messenger. The Lords remit the supplicant to Sir James Balfour of

Kynnaird, knight, Lyon King of Arms, whom they ordain to take trial of his behaviour in his office of a messenger and report to them what favour his carriage therein may merit. Decreta, November 1633-April 1635. Fol. 178, a.

Complaint by John Broun, mason, servant to Patrick Urquhart of Lethintie, against Walter Strachan of Balhaggertie and others for assault.

Complaint by John Broun, mason, servant to Patrick Urquhart of Lethintie, for the time, and by the said Patrick for his interest, as follows:—On 9th Septemher last Walter Strachan of Bahaggartie, Patrick Strachan, his son, George Jonstoun there, and others, armed with "Dense axis, harberts, stalves and others weapons invasive," came to the town of Lethintie where the said John Broun and other servants of the said Patrick were doing their master's work, and without any offence given they "first mutilat ane of the saids workemen and cruellie persewed the said John Broun of his lyffe with thair saids wapons, gave him manie bauch and blae straiks therewith on the head, face, shoulders, and other parts of his bodie, and so birsed and bruised him as he wes not able to follow out his masters service." Charge having been given to the said Walter and Patrick Strachan, and George Johnstoun, as parties, and to Gilbert Johnstoun in Lethintie, James Milne there, John Broun at the Kirk of Davie, James Tailzeour there, and James Touche in , as witnesses, and the pursuers appearing by George Stewart, their procurator, but neither the defenders nor the witnesses compearing, the Lords ordain both the latter to be put to the horn and escheated for their contempt. Fol. 178, b.

Edinburgh, 25th November 1634. Appointment of Justices of the Peace.

"The whilk day the commissiouns for the Justices of peace wer renewed and choise wes made of the persons particularlie underwrittin to be Justices of peace within the severall shirefdomes, stewartreis and baillereis afterspecifeit, that is to say:— Justices of Peace, 1612-1639. Fol. 59, a.

For the shirefdome of EDINBURGH PRINCIPALL.—The Lord Chanceller, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, the Erle of Lothiane, the Earle of Dalhowssie, the Lord Cranstoun, the Lord Corstorphine, the Laird of Innerleith, Sir Thomas Thomesoun of Dudingstoun, David Prestoun of Quhythill, William Murrey of Natoun, the Laird of Lugtoun, the Laird of Rosline, Sir James Murrey of Falahill, Sir Patrik Hamilton of Littlepreston, the Laird of Torsons, Mr Simon Ramsay, the Laird of Dalmahoy, the Laird of Colintoun, Sir Thomas Hope of Granton, Mr Johne Cant of Lawrestoun, Sir William Nisbitt, Mr David Mitchell, minister at Edinburgh, the parson of Restalrig, Mr Mathow Wemes, minister at Halyrudhous, Mr Androw Learmonth, minister at Libbertoun: the Laird of Lugtoun, conveenner.

CONSTABULARIE OF HADINTOUN.—The Lord Chanceller, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, the Laird of Prestoun, the Laird of Gosfuird, the Laird of Saltcoitts, the Laird of Wauchtoun, Sir Patrik Murrey, the Laird of Kilspindie, the Laird of Ruchla, the Laird of Hermistoun, the Laird of Elphinstoun, the Laird of Quhitting- Fol. 59, b.

Justices of Peace, 1612-1639. Fol. 59, b.

hame, John Sinclar of Steinstoun, Williame Dick, James Maxwell of Innerweik, the Laird of Congiltoun, Mr Robert Balcanquall, the minister at Dumbar: Sir Patrik Murrey, conveenner.

BERUICK.—The Lord Chanceller, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, the Laird of Blacader, the Laird of Rentoun, Sir George Ramsay of Wyliecleuche, the Laird of Westnisbitt, the Laird of Colbrandspeth, Robert Dicksoune of Bouchridge, Ker of Graden, Johne Wilkie of Foulden, James Cokburne of Rysla, Edyer of Wedderlie, the minister at Coldinghame, the minister at Ednem, the parson of Quhitsome, the minister at Foulden, the minister at Bonkill: the Laird of Renton, conveenner.

BAILLERIE OF LAUDER.—The Lord Chanceller, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, Haliburtoun of Mertoun, the Tutor of Schaw, Gilbert Lauder of Quhitsled, Mr Alexander Home of St. Leonards, Charles Lawder of Parke, Walter Riddell of Hugstoun, the minister at Nenthorne, Mr James Burnet, minister at Lawder, and conveenner.

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ROXBURGH.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, Sir James Pringill of Smailholmcraigs, Robert Pringill of Stitchell, Williame Dowglas of Bonjedburgh, Sir Thomas Ker of Cavers, James Pringill of Buckholme, Androw Ker of Massindew, Mr George Dowglas, younger of Bonjedburgh, Rutherfurd of Hunthill, the minister at Melros, the minister at Cassiltoun, the parsonof Ancrum, the minister at Kelso, the minister at Yettam: the Laird of Bonjedburgh, conveenner.

SELKIRK.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, Sir William Scot of Harden, Sir Johne Murrey of Philiphauche, George Pringill of Torwodlie, Androw Riddell of Hayning, Johne Murrey of Syndhope, Robert Scot of Hartwodmyre, James Pringill of Quhytbanke, Hew Scot of Galloscheillis, the minister at Kelso; Sir Johne Murrey, conveenner.

PEEBLES.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Lord Yester, James Geddes of Rachan, James Hay of Smithfeild. James Naismith of Posso, Sir David Murrey of Stenhops, Jonas Hamiltoun of Quotquot, Mr James Lawson of Carnmure, George Cranstoun of Glen, Williame Weitche of Dawick, Mr Theodore Hay, archdean of Glasgow: Mr James Lawsoun, conveenner.

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LANERK.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Laird of Minto, the Laird of Torrence, Sir Archibald Stewart of Castlemilk, the Laird of Roploch, Johne Dunlop of Garnkirk, Johne

Hamiltoun of Orbistoun, Sir James Somervell of Cambusnethen, Sir James Hamiltoun of Broomhill, the Laird of Calderwod, the Laird of Lee, elder, the Laird of Stanebyres, the Laird of Lamingtoun, the Deane of Glasgow, Doctor Walter Quhitfurd, subdeane, Doctor Robert Hamiltoun, minister at Glasfurd, the minister at Lesmahago, the principall of the colledge of Glasgow: the Laird of Torrance, conveenner. Justices of Peace, 1612-1639. Fol. 60, b.

DUMFREIS.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Quenisberrie, the Lord Hereis, Lord Dalyell, the Laird of Lag, Robert Crichtoun of Ryhill, Mr Samwell Kilpatrik of Auchinleck, the Laird of Amisfeild, the Laird of Conhaith, Robert Maxwell of Portrak, John Dalyell of Newtoun, Johne Dowglas of Killiwarran, Archibald Maxwell of Cowhill, the minister at Dumfreis, the parson of Sanquhar: the Laird of Lag, conveenner.

ANNERDAILL.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Erle of Quenisberrie, the Lord Hereis, the Lord Johnestoun, Robert Maxwell of Dinwiddy, James Johnestoun of Corhead, Edward Johnestoun of Ryhill, Robert Charters of Bodisbeg, Mr Johne Alexander, parson of Hoddom, Mr G. Buchannan, minister at Kirkpatrik juxta: Edward Johnestoun, conveenner.

WIGTOUN.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Cassillis, the Earl of Galloway, Andrew Agnew, appearand of Lochnaw, the Laird of Garthland, Hew Gordoun of Grange, Alexander Gordoun of Auchlaine, John Murrey of Brouchton, Johne Gordoun of Bathskeoche, Uchrid M^c^Dougall of Frewche, John Kennedie of Knokdaw, Gilbert Neilson of Craigcaffie, the minister at Stanykirk, the minister at Quhitterne, the minister at Monygaff: the Laird of Garthland, conveenner. Fol. 61, a.

KIRKCUDBRIGHT.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Bishop of Galloway, the Lord Kirkcudbright, Sir Patrik M^c^Kie of Larg, James Chalmers of Gatgirth, Mr Gilbert Gordoun of Schirmes, Alexander Gordoun of Erlestoun, Johne Maxwell of Threemerkland, Williame Greirson of Bachiltoun, Thomas M^c^Clellane of Chappeltoun, Williame Glendoning of Logane, Williame M^c^Adam of Waterheid, the minister at Kirkanders, the minister at Terregles, the minister at Partan: Sir Patrik M^c^Kie, conveenner.

LINLITHGOW.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, the Lord Torphichin, the Laird of Dundas, younger, the Laird of Rickartoun, Laird of Bonhard, Mr Alexander Hamiltoun of Kinglas, Thomas Dalyell of Binns, Mr Johne Schairp of Howstoun, Walter Murrey of Livingstoun, Mr Johne Drummond of Wodcokdaill, Mr Robert Boyd of Kippis, James Inglis of Inglestoun, Johne Dundas of Newlistoun,

Justices of Peace, 1612-39. Vol. 61, b.

Mr George Hannay, minister at Torphichin: the Laird of Newlistoun conveenner.

STIRLIN.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Bishop of Edinburgh, the Laird of Keir, the Laird of Fintrie, the Laird of Powmais, Mr William Cuninghame of Broomhill, Sir James Bruce of Balfoulis, Alexander Bruce of Alva, Livingstoun of Westquarter, Mr Thomas Nicolsoun of Carnok, the parson of Fawkirk, the minister at Gargunnoch, the minister at St. Ninians, the minister at Donypace, the minister at Kippen: the Laird of Polmais, conveenner.

KYLESTEUART.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lord Lowdoun, the Laird of Craigiewallace, the Laird of Caprintoun, the Laird of Dreghorne, Williame Stewart of Halrig, Harie Stewart of Barskimming, Foullertoun of Corsebie, Allane Cathcart of Broomhill, Williame Wallace of Ellerslie: the Laird of Caprintoun, conveenner.

CARICT.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Erle of Cassillis, the Laird of Ardmillane, the Laird of Barganie, elder, Montgomerie of Brigend, David Crawfurd of Kers, David Kennedie of Kirkmichell, Sir Alexander Kennedie of Culzeane, Walter Kennedie of Knockdon, Thomas Boyd of Pinkhill, Mr Johne Chalmers of Sauchrie, Cathcart of Waterheid, John Corrie of Kelwod, the Laird of Kilkerrane. Mr Rawfe Weir of Bennen, Mr Gilbert Ros, minister at Cammonnell: the Laird of Culzeane, conveenner.

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CUNNINGHAME.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Erle of Eglintoun, the Lord Boyd, the Laird of Blair, the Laird of Cunninghamheid, the Laird of Rowallan, elder, the Laird of Kilbirnie, the Laird of Skelmurelie, Montgomerie of Hessilheid, Alexander Cuninghame of Corshill, the Laird of Kelburne, Hew Ker of Kersland, the Laird of Dunlop, James Cuninghame of Aikett, Johne Crawfurd of Crawfurdland, Thomas Nevin of Monkredding, the minister at Kilmarnock: the Laird of Blair, conveenner.

DUMBARTANE.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Secreit Counsell and Sessioun, the Laird of Ardincaple, Johne Naper of Kilmahew, the Laird of Foulwod, younger, the Laird of McFarlan, younger, Umphra Noble of Ardardane, Arthure Darleith of that Ilk, of Ballarneich, the minister at Rosneith: the Laird of Ardincaple, conveenner.

BUTE.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Laird of Skelmurelie, younger, Paul Hamiltoun, captane of Arran, Hector Bellendein of Kames, Niniane Stewart of Kilkattane, Johne Stewart of Eskog, Niniane Cuninghame of

Scoulack, Johne Campbell of : the Laird of Kilkattan, conveenner. Justices of Peace, 1612-1639.

FYFFE.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Erle of Rothes, the Erle of Wemes, the Lord Lindsey, the Lord Balcarras, the Laird of Newtoun, the Laird of Lundie, the Laird of Airdrie, the Laird of St. Monans, elder, the Laird of Erlshall, the Laird of Reres, the Laird of Balfoure, the Laird of Pitfirrane, the Laird of Fordell, the Laird of Cleishe, the Laird of Pittedie, the Laird of Balvaird, the Laird of Auchinmowtie, Mr Peter Hay of Nauchtoun, Alexander Narne of Sandfurde, Sir James Scot of Rossie, Mr Alexander Gibsoun of Largo, Mr Andro Aittoun of Logy, the Archdeane of St. Andrewes, the parson of Craill, the minister at Dumfermeline, the minister at Merkinche, the minister at Sawline: the Laird of Balvaird, conveenner. Fol. 62, b.

PERTH.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Atholl, the Vicount of Stormont, the Laird of Clakmannan, the Laird of Inchemartine, the Laird of Baltheyock, the Laird of Meginche, the Laird of Pitfoure, Sir Patrick Hay of Leyes, William Kinman of Hill, the Laird of Kethick, younger, the Laird of Balgillo, the Laird of Gormock, the Laird of Glenurqhy, the Laird of Weme, the Laird of Lawers, the Laird of Strowan Robertsoun, the Laird of Glenlyoun, the Laird of Garnetullie, Mr Robert Narne of Strathurd, Sir Johne Prestoun of Walifeild, the Laird of Moncreiff, Sir Johne Moncreiff of Kynmonth, the Laird of Balmedie, the Laird of Duncrub, the Laird of Glennegeis, the Laird of Ardoch, the Baron of Achyle, the minister at Perth, the Deane of Dumblane, the minister at Abruthven, the minister at Teallin, the minister at Megill, the minister at Rattray, the minister at Cluny, the minister at Dunkelden, the minister at Kinclevin, the minister at Forgandenny, the minister at Madertie, the minister at Killinny, the minister at Keappet: the Laird of Inchemartine, conveenner.

FORFAR.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Brechin, the Lord Ogilvie, the Lord Spynie, the Lord Cowper, the Constable of Dundie, the Laird of Ethie, the Laird of Din, the Laird of Bonymoone, the Laird of Fintrie, the Laird of Bonytoun, the Laird of Powrie Fothringhame, the Laird of Aldbar, the Laird of Edyell, younger, the Laird of Strickmartine, the Laird of Innerquharitie, Durhame of Pityarrow, Halyburton of Killour, Harie Mauld of Dumbarro, the Laird of Panmure, the person of Kinnell, the minister at Glams, and Mr William Malcolme, minister at : the Constable of Dundie, conveenner. Fol. 63, a.

ABERDEIN.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Buchan, the Erle

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of Dumfermeline, the Bishop of Aberdein, the Lord and Maister of Forbes, the Lord Pitsligo, the Laird of Drum, the Laird of Monymusk, the Laird of Cluny, the Laird of Caskiben, the Laird of Kemnay, the Laird of Pitmedden, the Laird of Fendracht, the Laird of Tolquhoun, the Laird of Ludquharne, the Laird of Phillorth, younger, the Laird of Cremondmogat, Donnald Ferquharson of Monaltrie, the Laird of Streachin, younger, the Laird of Skeene, the Laird of Towybarclay, the Laird of Auchmedden, the Laird of Lesmoir, Johne Udnie of Newburgh, the Laird of Foverne, Thomas Forbes of Watertoun, the Laird of Pitfoddellis, the goodman of Buckie, younger, the Laird of Geicht, younger, the Laird of Haddo, the Laird of Lethintie, Patrik Maitlane of Achincreiff, the Laird of Balhaggartie, the Laird of Leslie Forbes, the Laird of Newtoun, the Laird of Birkinbog, the Laird of Meldrum, the Laird of Hauchtoun, Walter Forbes of Thainstoun, the Laird of Cragiewar, Irwing, elder, of Ardtamfoord, the Laird of Glenkindie, Alexander Forbes of New, George Leslie of Kincragie, younger, Williame Gordoun of Terpersie, Johne Ferquharson, elder, of Invercald, Robert Ferquharson of Finzeane, the minister at Bathelvie, the minister at Birs, the minister at Aufurd, the minister at Daviott, the minister at Turreff, the minister at Lonmay, the minister at Logybuchan, the minister at Forge, the minister at Kinbettock, the minister at Kemnay: the Laird of Kemnay, conveenner.

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BAMF.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Buchan, the Bishops of Aberdein and Murrey, the Lord Desfurde, George Hay of Rannas, the Laird of Birkinboig, the Laird of Bamff, the Laird of Fendracht, the Laird of Carnowssie, the Laird of Auchmedden, Patrik Stewart of Kinmauchline, the goodman of Ballindallach, Walter Grant of Findoune, Alexander Adamesoun of Brakie, Mr George Leslie in Cullen, Mr John Logie, minister at Ruthven, the minister at Mortlack, the parson of Aberlour, the person of Keith: the Laird of Balvenie, conveenner.

ELGINE, FORRES, AND NARNE.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Earle of Murrey, the Earle of Seafort, the Earle of Elgine, the Bishop of Murrey, the Lord Lovat, the Laird of Inneis, Johne Inneis of Leuchars, Robert Leslie of Finrassie, the Tutor of Duffus, Thomas McKeinyie of Pluscardin, James Spence of Kirktoun of Alves, the Deane of Murrey, the Chantour of Murrey, Mr William Cumine of Carneside, James Dumbar of Boigs, Robert Dumbar of Burgie, Alexander Dumbar of Grange, Niniane Dumbar of Grangehill, Alexander Brodie of Lethin, Mr Samwell Falconner of Kincorth, Hucheoun Ros of Kilraack, William Ros of , David Hay of Park, Johne Hay of Knockowdie, the commissar of Murrey, the person of Duffus, James Dumbar of Dumphaill: the Laird of Finrassie, conveenner.

Justices of Peace, 1612-1639. Fol. 64, a.

INNERNES.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Earle of Seafort, the Lord Lovat, the Bishop of Ros, the Laird of Grant, the Baron of Kilraack, the Laird of Streachin, elder, the Laird of Tarbett, the Laird of Embo, Sir Donnald McDonald of Slait, Johne McCloud of Dinvegane, Alexander Baillie of Dunneane, Hew Fraser of Belladrum, Alexander McKenyie of Coull, David Ros of Pitculane, Hew Ros of Tollie, Rorie McKeinyie of Ridcastell, the parson of Kingussie, the minister at Innernes, the Deane of Ros, the Chanceller of Ros, the minister at Killerne, the minister at Dingwell, the minister at Kintaill, the minister at Lochchalse: the Laird of Streachin, conveenner.

ARGILE AND TARBET.—The Lord Chanceller, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Argile, the Laird of Ardkinlesse, the Laird of McLauchlane, the Laird of Ottir, the Captane of Dinnune, the provest of Kilmune, the Laird of Auchinbrek, the Laird of Dintrune, the Laird of Barbrek, Hector McNeill of Thyneis, the Laird of Glenfallach, the Laird of Loup, the Laird of Sanda, Archibald Campbell of Glencarradell, the Captane of Skipnische, the Laird of Calder, younger, Johne McDougall of Donnoley, the Captane of Dumstafnes, the Laird of Lochinnell, the Pryor of Ardchattane, the Laird of Rara, Sir Donald Campbell, Duncan Campbell of Ballinay, Hector McClain of Dowart, Sir Lauchlane McClaine, the Laird of Lochbuy, the Laird of Coill, Allane McClaine of Ardgowr, Hector McClane of Kingarloch, Johne Camron of Lochiell: the Laird of Glenfallach, conveenner."

Edinburgh, 27th November 1634.

Acta, June 1634-April 1636. Fol. 35, a.

Sederunt—Bishop of St. Andrewes; Privy Seal; Glasgow; Murrey; Wintoun; Perth; Wigton; Lauderdaill; Dumfreis; Tracquaire; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Bining; Melvill; Naper; Master of Elphinston; Clerk of Register; Advocate; Sir James Baillie.

The Lordship of Torphichen.

"The Lords continewes their forder advising of the processe anent the erectioun of the lordship of Torphichin till the 4 of December nixt."

James Gordon of Letterfourie to keep ward within Edinburgh and the Canongate.

"The Lords of Secreit Counsell ordains and commands James Gordoun of Letterfoure, who wes personallie present, to remaine and keepe waird within the burgh of Edinburgh and the Cannogait till the saxtene day of December nixt, and that he sall compeir personallie before the saids Lords that day under the pane of twa thowsand merkes; lykeas the said James gave his great and solemne oath to fulfill and obey this act and ordinance."

Act against persons who surreptitiously sell tobacco without licence.

"Forsamekle as altho there hes beene diverse acts of Counsell and proclamations published according to his Majesteis severall directions for ordering the sale of tobacco within this kingdome, yitt his Majesteis service is still hindered als weill by the sinistrous practises and evill example of some persons, who, being thameselffes obstinatlie averse frome admitting his Majesteis ordinances, doe still seeke to frustrat

Acts, June 1634-April 1636. Fol. 35, a.

Fol. 35, b.

his Majesteis service and disswades others by indirect subterfuges to doe the like, who in hope to avoide the danger of contraventioun if they doe not transgresse in thair awne persons seeke to delude the proclamations by imploying thair childrein, servants and others unresponsall persons to sell without licence, or by extraordinarie rates upon meate, drinke and others commoditeis taking recompence for thair tobacco: For preventing and obviating of quhilks sinistrous practises his Majestie, with advice of the Lords of his Secreit Counsell, ordains that all delinquents in these or anie other kyndes, whereby his Majesteis service is hindered, sall be conveenned ather before the said Lords of Privie Counsell or others neerest convenient judicatoreis and sall be severelie censured according to the nature and qualitie of thair severall offences; and alsua ordains that all maisters of famileis sall be answerable for thair childrein, servants and others that sall happin to sell tobaceo directlie or indirectlie to thair use and that all recompence takin for tobacco sall be repute and punished as vendition: as alsua that suche persons as contraveenes and ar not responsall for the penaltie sall be punished with imprissonment or other arbitrarie pane; and that letters be direct to make publication heirof be opin proclamation, wherethrow nane pretend ignorance of the same. Followes his Majesteis missive for warrand of the act abone-writtin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas by the inclosed petition, as yow will perceave, we ar informed of diverse sinistrous practises tending to the hinderance ond deluding of our ordinances tuicheing the sale of tobacco in that our kindgome, our pleasure is that not onelie in the points of that petitioun bot generallie in all things which our commissioners sall from tyme to tyme reasonablie desire yow give thame your readie assistance for advancement of that our service and punishement of all suche as directlie or indirectlie sall be found to transgresse that we may nather be disappointed of the benefite to arise thereby unto us nor our loving subjccts of the good of the intended reformatioun. Wherein expecting your serious care, as yow will doe us acceptable service, we bid yow farewell. From our court at Whithall, the 20 of November, 1634."

His Majesty's warrant for the above Act.

"Forsamekle as the Lords of Secreit Counsell ar informed that Adam Gordoun, brother to Johne Gordon of Park, Alexander Gordon, yonger, of Innermerkie, Williame Gordon, sone to Gordon of Gollachie, Johne Gordon, sone to Thomas Gordon of Aitlache, Gordoun, sone to Patrik Gordoun in Sutherland, Gordoun, sone to Johne Gordon of Achinhannach, Nathaniel Gordoun, sone to Johne Gordoun of Ardlogie, Robert Gordoun, brother to the Laird of Geicht, elder, Johne Gordoun in Rothemay, Alexander Leith, brother to Johne Leith of Harthill, Williame Ros, sone to Johne Ros in Balliuet, McGillivorie, servitour to Johne Gordoun of Park, and

Commission to the sheriffs of Aberdeen, Banff, Elgin, Forres, Nairn, and Inverness, to raise all fencible person within their bounds and to pursue Adam Gordon, brother to John Gordon of Park, and others, who

associate with broken men and are laying waste the lands of the Laird of Frendraught.

Acta, June 1634-April 1636. Fol. 36, a.

McAbrabler, servitour to , ar the authors and committers of the lait disorders and insurrections in the North and of the heirships, depredations, fireraisings and others disorders upon the Laird of Fendraucht his tennents and servants, whois haill goods they have lifted, laid thair lands waist and hanged one of the poore tennents upon the gallowes of Strabogie, and with ane high hand of rebellioun they have resolved to make thameselffes maisters of the said Laird of Fendraucht his haill estait, and to possesse thameselffes therein and to keepe the same by strenth of armes, in contempt and defiance of law and justice, being assisted in thair disorders and rebellious courses by nombers of brokin Hielandmen and others with whome they goe up and doun the countrie ravaging and oppressing his Majesteis good subjects and in speciall poore ministers who ar not of power to oppose thair violence, and that in so hostile and terrible ane maner as the like hes not beene heard at anie tyme heeretofore, to the disgrace of his Majesteis governement and to the shame and reproache of his Majesteis officers and others his Majesteis subjects of power, auctoritie and commandement within whois bounds thir rebellious persons resort, and whois dewtie it is in thair alledgeance to his Majestie and respect to the peace and quyet of the countrie to have repressed the disorders of thir rebellious persons. Thairfoir, the Lords of Secreit Counsell ordains letters to be direct charging the shireffs of Aberdein, Bamf, Elgine, Forres, Narne and Innernes to conveene and raise in armes the haill noblemen, gentlemen and others fensible persons within thair severall jurisdictions and to pas, follow and persew the persons particularlie abonewrittin and all other brokin men being in thair companie where ever they may be apprehendit within thair saids bounds, and to exhibite and present thame to his Majesteis Justice to underly their deserved punishment, under all highest pane that the saids shireffs, noblemen and others his Majesteis subjects may incurre incaise of thair dissobedience and neglect and foreslowing of this service; with power to the saids shireffs and others foresaids, for the better apprehensioun and exhibition of the saids persons, to raise fire, beare and weare hacquebutts and pistolets, assiege houses, and to doe and performe all and everie other thing requisite and necessar for thair said apprehension and exhibition, notwithstanding quhatsomever lawes, acts or statuts made in the contrare whereanent and all panes conteanit therein and all slaughters, mutilations, fireraisings and others inconvenients quhilks sall happin to fall out in the person of the saids rebellious persons and thair assisters the saids Lords dispenses be thir presents, exonerating Fol. 36, b. the saids shireffs, noblemen, gentlemen and others his Majesteis subjects thairof and of all crime and danger they may incurre therethrow: firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin, charging heirby all his Majesteis lieges whatsomever and in speciall the inhabitants of the burrowes of Aberdein, Bamf,

Acta, June 1634-April 1636. Fol. 36, b.

Elgine, Narne and Innernes, everie ane of thame within thair awne bounds and jurisdictions, to rise, concurre, fortifie and assist the saids shireffs in all and everie thing tending to the apprehensioun of the saids rebellious persons under all highest pane and charge that after may follow and under the pane to be persewed and punished as approvers and allowers of the saids rebellious persons and thair courses with all rigour and severitie."

Proclamation forbidding the transport of broken men in the Highlands out of the conntry.

"Forsamekle as the Lords of Secreit Counsell ar informed that Adam Gordoun, brother to Johne Gordoun of Parke, Alexander Gordon, yonger of Innermerkie, Williame Gordon, sone to Gordon of Gollache, Johne Gordoun, sone to Thomas Gordoun of Artlache, Gordon, sone to Patrik Gordon in Sutherland, Gordon, sone to George Gordon of Achinhannach, Nathaniel Gordoun, sone to Ardlogie, Robert Gordoun, brother to the Laird of Geicht, elder, Johne Gordoun in Rothemay, Alexander Leith, brother to Harthill, William Ros, sone to Johne Ros of Ballivet, M°Gillivorie, servitour to Johne Gordoun of Parke, M°Abrabler, servitour to , ar the authors and committers of the heirships, depredations, fireraisings and slaughters wherewith most parts of the north countrie have beene heavilie infested; and the Lords of Secreit Counsell, being carefull that all lawfull wayes and meanes be used for thair apprehension and exhibition to justice, thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie provests and bailleis of burrowes and sea touns whatsomever, and all maisters and awners of shippes, skippers and mariners, that nane of thame presoome nor tak upon hand to receave or transport in thair shippes or others vessells anie of the persons abonewrittin furth of the countrie, bot if anie of thame sall happin to come to be shipped and transported that they take and apprehend thame and commit thame in waird till forder order be givin anent thair tryell and punishment as accords; commanding heirby all customers and searchers to caus diligent attendance be givin at the seaports that nane of the saids persons be imbarked nor transported bot that they be takin and committed as aforesaid under all highest pane and charge that after may follow aganis the saids provests, bailleis, maisters and awners of ships, customers and searchers."

Fol. 37 a.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Erroll; Wintoun; Perth; Dumfreis; Southesk; Tracquaire; Bishop of Ros; Bishop of Dumblane; Clerk Register; Advocate; Sir James Baillie. Edinburgh, 1st December 1634.

Sir James Carmichael of that Ilk admitted into the Council.

"The Lords of Secreit Counsell, according to ane warrand and directioun in writt signed be the King Majestie and this day presented to the saids Lords, receaved and admitted Sir James Carmichaell of that Ilk, knight, Justice Clerk of this kingdome, to be one of his Majesteis Privie

Counsell of the said kingdome, and to bruike and injoy all honnours, digniteis, priviledges and immuniteis proper and dew to that place; lykeas the said Sir James, being personallie present and acknowledging with all dew reverence his Majesteis royall favour shawin unto him in preferring and advancing of him to this place of honnour and dignitie, he in all humilitie upon his knees, his hand lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counseller. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Understanding the abilities and affection to our service of our trustie and weilbelovit Sir James Carmichell of that Ilke, knight, our Justice Clerk of that our kingdome and one of our suears, [*sic?* ushers] and being willing for his better enabling and encouragement to our said service to promove and advance him to be one of our Privie Counsell thairof, our pleasure is that, having administred unto him the oath accustomed in the like caises, yow admitt him upon our said Privie Counsell, receaving him to be one of your nomber, for whiche these presents sall be your warrand. Givin at our honnour of Hampton Court, the 14 of October, 1634." Acta, June 1634-April 1636. Fol. 37, a.

Three senators of the College of Justice appointed to assist William, Earl of Errol, in the trial of Lord Balmerino.

"The whilk day ane letter, signed be the Kings Majestie and direct to the Lords of Privie Counsell, requiring three of the senators of the Colledge of Justice, whome the bodie of that judicatorie sould make choise of, to be appointed assessors for assisting William, Erle of Erroll, whome his Majestie hes nominat to be cheefe justice in the tryell of the Lord Balmerinoch, being presented to the saids Lords and read in thair audience, the saids Lords desires Johne, Erle of Tracquair, and Johne, Bishop of Ros, to present the letter foresaid the morne to the Colledge of Justice and to report thair answer thereanent, lykeas the said letter wes delyvered to the said Erle of Tracquair."

The magistrates of Edinburgh to provide a guard for Lord Balmerino.

"The whilk day the Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh, who wes personallie present, to provide a guarde and to have the same in readines upon Wednisday nixt for keeping of peace and good order within thair burgh, and ordains thame to repaire to the Castell of Edinburgh the said day at the accustomed houre and to receave from the constable thairof the Lord Balmerinoch and to convoy him saifelie thence to the laich tolbuith of Edinburgh where he is to be impannelled for the crimes conteanit in his dittay, and that they attend in and about the tolbuith and return the said Lord saifelie backe to his waird, according as they sall be directed be the Erle of Erroll, cheefe justice in this tryell." Fol. 37, b.

Edinburgh, 2nd December 1634.

Sederunt—Privy Seal; Glasgow; Wintoun; Perthe; Wigtoune; Lauderdaill; Dumfreis: Southesk; Binning; Bishop of Dumblane; Sir James Baillie. Decreta, November 1633-April 1635. Fol. 178, b.

Decreta, November 1633-April 1635. Fol. 178, b.

Complaint by William Burdon and Patrick Wright, servitor to the Laird of Cromelix, as follows:—About May last Donald M°Connochie V°Coull M°Gregour, *alias* Donald Mienst, a common thief, was apprehended with a fang of some stolen goods and brought before Walter Buchannan of Drumakill, bailie depute of the regality of the Lenox, for trial and punishment. But against the duty of his place the said Walter dismissed the thief, who has ever since continued in his thievish trade and has lately stolen from the complainers four horses and mares. As this is owing to the said bailie's oversight he ought to present the thief before their Lordships to the end order may be taken with him. Charge having been given to this effect to the said Walter Buchannan, and the pursuer compearing but not the defender, the Lords ordain the latter to be put to the horn for his contempt.

Complaint by William Burdon and Patrick Wright against Walter Buchanan, bailie deputy of the Lennox, for freeing a common thief whom the complainers had placed in his hands.

Fol. 179, a.

Supplication by Thomas Gordoun of Dilspro, as follows:—He is engaged in certain sums of money for some of his friends of which he can obtain no relief, and has several important actions depending before the Lords of Session for improbation and reduction of some comprisings wrongfully led against him, and he designs to sell certain of his lands for the satisfaction of his creditors, but he dare not go about without their Lordships' protection, which he accordingly craves. This the Lords grant until the last day of March next.

Supplication by Thomas Gordon of Dilspro for protection that he may satisfy his creditors.

Fol. 179, b.

Complaint by Mr. James Law, Keeper of the Signet, as follows:—On 8th October last George, Earl of Caithness, was put to the horn at the complainer's instance for not paying to him a yearly pension of eight bolls of malt or £4 as the price of each boll, and that for each year since 1594, in terms of a letter of pension granted by the said Earl to James Law, Snadoun Herald, the complainer's father, and assigned by him to the complainer. But the said Earl pays no heed to the said horning. Charge having been given to the said Earl, and the pursuer appearing by Alexander Hay, his servant, but the defender not compearing, the Lords ordain the said Earl to be charged by the Sheriff of Caithness, under the pain of treason, to render his house of , which the said sheriff and his deputes are to keep, and make inventory of the contents thereof, and report the same to his Majesty's Treasurer.

Complaint by Mr. James Law, Keeper of the Signet, against George, Earl of Caithness, for defiantly remaining at the horn under which he lies at the complainer's instance.

Fol. 180, a.

Supplication by Sir George Ogilvie of Carnousseis, knight, as follows:—In order to satisfy his creditors he agreed lately with some gentlemen for the sale of his lands, to which he is necessitated not only by his own debts but by being cautioner for his brother-in-law, the Laird of Clunie; but his enemies, taking advantage of his distress and "intending to force him to sell his lands for halfe nocht, have moved some of the barganers to resile from thair agreement so as he cannot at this terme get moneyes for his lands." He therefore craves their Lordships' protection for a time, and this the Lords grant till Whitsunday next.

Supplication by Sir George Ogilvie of Carnousie for protection that he may settle with his creditors.

Edinburgh, 4th December 1634.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Winton; Perth; Wigtoun; Lauderdaill; Dumfreis; Southesk; Tracquaire; Bining; Bishop of Ros; Bishop of Dumblane; Naper; Clerk of Register; Advocate; Justice Clerk. Acta, June 1634-April 1636. Fol. 37, b.

Letter from his Majesty anent the disorders in the North.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk the tennor followes: —CHARLES R.—Right trusty and weilbelovit cousine and counseller, right trusty and weilbelovit cousines and counsellers, and trustie and weilbelovit counsellers, we greit yow weill. Whereas at the tyme of our late Parliament holdin in that our kingdome we wer pleased to remitt to yow a petition than exhibited tuicheing some insolenceis bursting out in the Highlands and some of the northerne parts thairof, to whiche purpose we have since writtin unto yow at severall times; and now being crodiblie informed that suche insolenceis and troubles ar come to a greater hight, to the great hurt of our good and peaceable subjects and to the great contempt of our auctoritie and lawes, we ar heirby pleased againe seriouslie to recommend unto your care to see our acts of Parliament tuicheing the repressing of suche disorders putt in dew and tymelie executioun and to omitt nothing that may curbe the same ather by meanes of the executioun of these acts or as yow sall think most fitt to conduce to that purpose whereby our peace may be preserved and all our good subjects fred of farther troubles and feares in that kynde, assuring yow that frome tyme to tyme upon your advertisement we will be ayding and assisting unto yow in what may concerne that purpose. We bid yow farewell. Frome our court at Whitehall, the 24 of November, 1634."

Letter from his Majesty anent the utterers of English farthings, which had been revoked by Act of Parliament, and the counterfeiters of turners.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit you weill. Being informed that there ar some who have presoomed of late to vent within that kingdome not onelie the farthings of this kingdome formerlie (as we ar certanelie informed) discharged by act of Counsell there and proclamations following thereupon to have vent in that countrie, yea and, as is probable, suche farthings as for thair insufficiencie is not permitted to have course heir, bot also false and counterfooted turnours, to the high contempt of our auctoritie royall; thairfoir for the preventing of the increasse of this abuse and punishement of suche as ar or sall be found guiltie of the same our pleasure is that where ever anie of the coyners of the saids counterfooted turnours or of the English farthings sall be found, or anie of the imbringers or first venters and dispersers of Fol. 38, a.

Acts, June 1634-April 1636. Fol. 38, a.

thame amongst the people, they be strictlie and exemplarlie punished according to the nature of thair fault, and that the one halfe of the benefite to arise ather by thair confiscations or fynes sall be for the use of the discoverer and the other for our owne, as we sall be pleased to dispose of it; insertinglyke wayes in the said proclamatioun suche clauses and strict commands as may caus the use of these unlawfull and prohibited coynnes instantlie to ceasse amongs the people, with certification of suche punishement or fynes upon the contraveenners as yow sall thinke expedient for the strict observation of what yow sall thinke fitting to ordaine for the reformation of the said abuse. All whiche seriouslie recommending to your earnest and speedie care, we bid yow farewell. Frome our honnour of Hampton Court, the 13 of October, 1634."

Letter from his Majesty requiring that the £6000 granted to the Earl of Stirling by James VI. and the £10,000 granted to the said Earl by his present Majesty should be made up to him from the usufruct of the copper lately coined, for the space of nine years.

"The whilk day the act of Exchecker underwrittin, subscryved be Sir Johne Hay of Baro, knight, Clerk of our Soverane Lords Registers and Rollis, being exhibite to the Lords of his Majesteis Privie Counsell and read in thair audience, and the saids Lords perceaving cleerelie by the expresse words and tennour of the said act and of his Majesteis letter direct to the Lords Thesaurar, principall and deputie, thereanent, whilk is the ground and warrand of the said act, that it is his Majesteis gracious will and pleasure that the said letter or suche others acts as sall be made thereupon sall be insert and registrat in the bookes of Privie Counsell for the further securitie and satisfactioun of the Erle of Stirline or suche as he sall bargane with anent the coyning of the sax thowsand stone
Fol. 38, b.
weight of copper in maner specefeit in the said act; thairfoir the Lords of Secreit Counsell, in humble obedience of his Majesties gracious will and pleasure in this mater, hes ordained and ordains the said act of Exchecker to be insert and registrat in the saids bookes of Privie Counsell, of the whilk the tennour followes:—At Edinburgh, the twentie saxt day of November, the yeere of God j^{m}vj^{c} threttie foure yeeres, the whilk day in presence of the Lords of Exchecker, sitting in full nomber, his Majesteis letter underwrittin, direct to the Erles of Mortoun and Tracquaire, Treasurers principall and deputie of the kingdome of Scotland, wes presentit, whairof the tennor followes. *Sic suprascribitur*, CHARLES R.—Right trustie and weilbelovit cousines and counsellers, we greit yow weill. Whereas in consideration of a precept of six thousand lib. sterline grantit by our late deir father to our right trustie and weilbelovit cousine and counseller, the Erle of Stirline, our principall Secretar, for good and faithfull services done by him, and of a warrand of ten thowsand punds grantit by us to him upon verie good considerations as may appeare by the same, we wer pleased to grant to him the benefite arising by the coynage of the copper money within that our kingdome for the space of nyne yeeres and further till he sould be compleitlie payed of all soumes whatsoever dew by us unto him; now to the effect our said servant may have the more assurance to make bargane with others anent the said benefite for his releeffes and that there may be a

certane tyme appointed for his payment and for our having the benefite of the said coyne to returne to us, we doe heirby ratifie unto him his grant of the haill benefite arising dew to us by that copper coynage during the tyme yitt to runne of that his patent, and it is our speciall pleasure that yow grant a warrand suche as sall be requisite for the coynage of six thousand stone weight of copper without intermission immediatlie after the ending of the coynage of 1500 stone weight presentlie in hand and for continewing of the coynage (after the full perfytting of the said sax thousand stone) frome yeere to yeere for the accustomed quantitie as wes coynned these twa yeeres past and that during the whole time yitt to runne of his patent if there sall anie of it remaine after the full perfytting of the coynage of the said 6000 stone, and that yow give order to our Advocat for drawing up a sufficient discharge of the saids two precepts to be signed by our said servant, with a discharge to him from us of his intromission with anie benefite arising by that coynage during the time past or to come of his patent (of the whiche we doe heirby likewise discharge him) and that without anie accompt to be made unto us or anie in our name for the same in regarde of his discharge of the saids two precepts; and that yow caus register this our letter or make suche further acts in Counsell or Exchecker as may be most expedient for the further securitie and satisfactioun of our said servant or suche as he sall have occasion to treate or bargane with for making his best advantage of this our gracious intention towards him; for doing whereof these presents sall be unto yow and unto thame sufficient warrand. We bid yow farewell. From our court at Theobalds, the 18 of September, 1634. Quhilk letter being heard, seene and considderit be the saids Lords and being therewith rypelie advised they ordained the same to be insert and registrat in the bookes of Exchecker. *Extractum de libris actorum Scaccarii per me Dominum Joannem Hay de Baro, militem, clericum rotulorum registri ac Consilii S. D. N. Regis sub meis signo et subscriptione manualibus. Sic subscribitur*, J. Hay, *Cls. regri.*"

Acta, June 1634-April 1636. Fol. 38, b.

Fol. 39, a.

The Lordship of Torphichen.

" The Lords continewes the advising of the processe anent the erectioun of the lordship of Torphichin till this day aucht dayes."

Edinburgh, 4th December 1634.

[Sederunt as recorded above, omitting Dumfries.]

Decreta, November 1633-April 1635. Fol. 181, a.

Complaint by Dame Lilias Grahame, Lady Luss, against Herbert Nisbet, her dismissed servant, for injury done in her stable in Glasgow.

Complaint by Dame Lilias Grahame, Lady Lus, as follows:—Harbert Nisbet, indweller in Glasgow, formerly her servant, but whom she deservedly dismissed for many gross oversights within her house, is resolved to do her some affront and disgrace. Taking advantage of her being in Edinburgh in April last, he went to her stable within the city of Glasgow, and " with a great axe he cutted doune and destroyed the haill haiks, maingers, trivisses and all other timber worke being within the stable and threatened and boasted her servants who modestlie fand

Decreta, November 1633-April 1635. Fol. 181, a.

fault with his doings, avowing to kill thame with his axe if they spake anie farder of that mater to him." The pursuer compearing by John Dunlop, her procurator, and the defender being also personally present, probation was referred to his oath of verity when he confessed that he came to the pursuer's stable at the time stated and took down two boards which he had himself put up for keeping two horses separate there. The Lords find that the defender has done wrong in entering the pursuer's stable without her permission, and ordain him to find caution in the books of Privy Council to enter himself in ward in the tolbooth

Fol. 181, b.

of Glasgow before Thursday next, the 11th instant, at night, and there remain until he move some of the bailies of Glasgow to go in his name to the pursuer and show her that he is to come to her and crave her pardon on his knees. This having been done, the Lords ordain the provost and bailies of Glasgow to liberate him; and also to do so if the pursuer refuse his offer; and that within forty eight hours of his making the same. For fulfilment hereof, Nisbet, father of the said Herbert, enacted himself under the penalty of £100.

Sederunts, November 1629-January 1635. Fol. 132, b.

"The quhilk day the laird of Fendracht exhibite to the Counsell some letters frome his ladie and minister bearing that Adame Gordoun accompanied with a nomber of foote and hors had sett fire in the barnyaird of Fendracht and brint all the cornes being thereintill and had lykewayes sett fire to the hous and spoyled the haill tennents and layed the bounds waist." Edinburgh, 4th December 1634. Complaint by the Laird of Frendraught against Adam Gordon and others for damage done to his property.

"The Lords desires the Erle of Dumfreis to advise betuix and Tuisday if he will accept of a commission of lieutennentrie for suppressing the late insurrections in the North and for that effect that he confer with some of his Majesteis Counsell and suche noblemen and gentlemen in the North as ar presentlie in the toun anent the meanes and wayes of prosecution of the service." The Earl of Dumfries offered the lieutenancy of the North for the suppression of disorder there.

"The quhilk day the Bishop of Dumblane made intimation to the Counsell that he would celebrat the communioun upon Sunday nixt." The Bishop of Dunblane to celebrate Communion on Sunday next.

Acta, June 1634-April 1636. Fol. 39, a.

Sederunt—Bishop of St. Andrewes; Glasgow; Winton; Perth; Wigton; Lauderdaill; Southesk; Dumfreis; Bishop of Ros; Bishop of Dumblane; Lord Bining; Naper; Master of Elphinston; Clerk Register; Sir James Baillie. Edinburgh, 16th December 1634.

"Anent our soverane lords letters direct makand mentioun that where the Lords of Secreit Counsell ar informed that great nombers of sorners and brokin men of the Clangregour, Clanlauchlane, Clanrannald, and others brokin clans in Loquhaber, Stradoun, Glencoe, Bramar, and others parts of the Hielands, as also diverse of the name of Gordoun and thair dependers and followers in the incountrie have this long tyme bygane and now latelie verie greevouslie infested his Majesteis good subjects in the north parts, especiallie the Laird of Fendraucht and his tennents, by The Marquis of Huntly and others denounced for failing to appear before the Council to answer for the disorders in the North.

frequent depredations, slaughters, heirships and barbarous cruelteis committed upon thame and by ane late treasonable fire raising within the said Laird of Fendrauchts bounds, quhereby not onlie is the gentlemans lands layed waste, his haill goods and bestiall spoyled, slaine and mangled, some of his servants killed and cruellie demaynned, bot also the haill tennents of his lands and domesticks of his hous have left his service and lands and himselfe with the hazard of his life has beene forced to steale away under night and have his refuge to the Lords of Privie Counsell; and thir disorders ar growin to that hight that almost nowhere in the north countrie can anie of his Majesteis subjects promise saifetie to thair persons or meanes, the breake of his Majesties peace in these parts being so universall and fearefull as the verie burrowes and touns themselffes ar in continuall danger and feare of some suddane surprise by fire or otherwayes frome thir brokin men. And the Lords of Privie Counsell in this so deplorable estait of the countrie, finding it thair boundin dewtie to use all meanes possible for preserving the honnour and credite of his Majestie his auctoritie and lawes and reparatioun of the losses of his distressed subjects, they have thairfoir resolved upon trew information of the authors of thir disorders, thair abatters and ressetters to take suche examplar order thereanent as the delinquents may underly thair deserved punishment and his Majesteis peaceable subjects be repaired in thair losses and in tyme coming secured frome the incursions and disorders of thir brokin men. And anent the charge givin to George, Marques of Huntlie, Katharine Forbes, Ladie Rothemay, Sir George Gordoun of Geicht, Robert Gordon, his brother, Gordoun, yonger of Geicht, Sir Alexander Gordoun of Cluny, Johne Gordon of Innermerkie, Alexander Gordon, his sone, James Gordoun of Letterfoure, Johne Gordon of Parke, Adame Gordoun, his brother, Johne Gordoun of Buckie, James Gordoun of Terrisoule, James Gordoun of Dunbennan, Johne Gordon, sone in law to Achinhannach, Johne Fordyce of Auchincreiff, Williame Gordon of Tulloch, Duncane Braibner, greave to Park, Johne Gordoun of Ardlogie, Johne and Nathaniel Gordons, his sonnes, Alexander Gordoun of Carnborrow, George Moresone in Rothemay, Johne Gordoun, sone to Thomas Gordoun of Artlache, Alexander Leith, brother to Harthill, James Gordoun, souldiour, Patrik Gordoun of Carnewhelpe, Patrik Sinclar at the Lewes of Fyvie, William Gordoun, sone to Gordoun of Gollachie, James Gordoun, sone to Badornie, Kemp, sone to Andro Kemp, flesher in Strabogie, William Beg and Williame Quhyte, Johne Gordoun in Corskellie, Alexander Duncane, braibner, Williame McGillivory, Williame Gordoun, brother to Achinhannach, James Gordon, sone to Patrik Gordoun in Sutherland, Johne Henrie in Robestoun, and Johne Gordoun, sone to Johne Gordon in Littlemilne, to have compeired personallie before the Lords of Privie Counsell this present saxtein day of December instant to have givin information to the saids Lords anent the heirships, slaughters, depredations and others disorders committed

Acta, June 1634-April 1636. Fol. 39, a.

Fol. 39, b.

Acts, June 1634-April 1636. Fol. 39, b.

upon the Laird of Fendraucht his tennents and servants and others his Majesteis subjects in the north since the burning of the towre of Fendraucht and forder to have underlyne suche order anent the peace of the countrie, restraining the depredations of all brokin men dwelling upon thair lands or being of thair clans for whome they aucht to be answerable be the lawes of the countrie and tuicheing redresse to be made be thame to his Majesteis distressed subjects of thair losses and damages susteanned be the saids brokin men since the burning of the said towre of Fendraucht as by the lawes and acts of Parliament sould be found necessar, and that they sould have compeired personallie to the effect foresaid under the pane of rebellion and putting of thame to the horne and forder under all highest pane and charge that after may follow, with certificatioun to thame and they failyied that not onelie sould they be denunced rebellis and putt to the horne bot suche forder exemplarie course sould be followed out aganis thame as his Majesteis honnour and peace of the countrie requyres; lykeas as at mair lenth is conteanit in the saids letters, executions and indorsatiouns thairof. Quhilks being callit and Sir Thomas Hope of Craighall, knight baronnet, compeirand personallie for his Majesteis interesse and the saids Laird of Geicht, elder and younger, Sir Alexander Gordoun of Cluny, the Lairds of Innermerkie and Park, James Gordoun of Letterfoure, John Gordon of Buckie, James Gordoun of Terrisoull, James Gordoun of Dunbennan, William Gordoun of Tulloch, Johne Gordoun, sone in law to Achannachie, and Johne Fordyce compeirand lykewayes personallie, and the saids Marques of Huntlie, Ladie Rothemay, and remanent defenders foresaids being oftymes callit and not compeirand, the Lords of Secreit Counsell ordains letters to be direct charging officers of armes to pas and denunce the said Marquis and remanent absents our Soverane Lords rebells, and to escheit, etc. And the saids Lords ordains the haill parteis present to attend the Counsell upon Thursday nixt, the auchtene of this instant. And the saids lords ordanis the saids Johne Gordoun of Buckie, James Gordoun of Letterfoure, James Gordoun of Dunbennan, Johne Gordoun of Park and James Gordoun of Terriesoull to find caution to keepe waird within the burgh of Edinburgh and not to remove furth thairof till they be releeved, everie ane of thame under the pane of twa thousand merkes."

Fol. 40, a.

The Marquis of Huntly to be denounced for failing to produce certain rebels before the Council.

"Anent our soverane lords letters direct makand mentioun that where upon the 21 day of May, 1631, and 26 and last dayes of September bygane Adame Gordoun, sone to Sir Adame Gordon of Parke, Johne Gordoun in Carnehill, Johne Gordoun in Inchecorsie, Donnald Kelles, Alexander Gow, Williame Gauld, Angus M°Inneis, James Inneis, Alexander M°Keocher, Johne Geins, Robert Cowper, Johne Weir, Johne Milne and Androw Marniche in Cabrache, Adame Gordoun in Stradoun, James, Patrik and Alexander Gordons, his sonnes, George Gordoun in Auchterles, James, Adame and Harie Gordouns, his sonnes, and Williame

Ros in Stradoun, sister sone to James Gordoun of Letterfoure, wer orderly denunced rebellis and putt to the horne be vertew of criminall letters execute aganis thame at the instance of the Laird of Fendraucht and his servants for not finding sufficient caution and souertie actit in the bookes of adjournall for thair compeirance before his Majesteis Justice and his deputs to have underlyne the lawes for diverse thifts, depredations and others crimes mentiouned and conteanit in the saids letters of horning, as the same dewlie execute, indorsat and registrat shawin to the Lords of Privie Counsell beiris; quhilks haill persons in contempt of the said processe of horning have since that tyme so herryed and wracked the said Laird of Fendraucht and his servants and others subjects in the north and goe on in suche ane insolent and lawlesse ravaging athort the countrie, as if his Majesteis auctoritie and the hand of justice wer not able to overtake thame; and whereas they are all ather men, tennents and servants to George, Marques of Huntlie, or dependers and followers upon him as being of his clan, kin and surname, and who accompanie him at oasting, hunting and all conventions, gadderings and meitings, and who doe acknowledge him to be, as he is indeid, thair cheefe, and the onelie person of power and commandement within the bounds where they dwell, and for whome be the lawes of the countrie, acts of Parliament and Generall Band he aucht to be answerable and exhibite to thair tryell: And anent the charge givin to the said Marques of Huntlie to have compeired personallie, brought and exhibite the saids rebellis before the Lords of Privie Counsell this present saxtene day of December instant to the effect order might be tane for thair tryell and punishement as accords under the pane of rebellion, etc., with certificatioun, etc., lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof; quhilks being callit and Sir Thomas Hope of Craighall, knight baronnet, compeirand personallie for his Majesteis interesse and the said Marques of Huntlie being oftymes callit and not compeirand, the Lords of Secreit Counsell ordains letters to be direct charging officers of armes to pas and denunce him his Majesteis rebell and putt him to the horne and to escheit, etc."

Acta June 1634-April 1636. Fol. 40, a.

Fol. 40, b.

Certain persons to be denounced for failing to appear before the Council and give their evidence anent the depredations committed on the Laird of Frendraught.

"Anent our Soverane Lords letters direct makand mention that where the Lords of Privie Counsell ar informed that Arthure Forbes in Barnehome, Mr Robert Blair, minister at Forglen, Williame Prat at Fyvie, John Gordoun at the milne of Melros, Normand Leslie of Tulloch, Mr William Douglas, minister at Forge, Mr Richard Maitlane, minister at Abirchirdour, Mr Johne Logie, minister at Rathuen, Mr Andro Maissie, minister at Drumblet, Mr Andro Ker, minister at Glenbucket, Mr Thomas Mitchell, person of Turreff, Mr Henrie Ros, minister at Raynie, Blacke Arthure Forbes, Alexander Strauchane, elder of Glenkindie, Alexander Strauchan, appearand thairof, James Thomesoun in Towie, Mr Alexander Forbes in Turreff, Walter Ogilvie of Ridhyve, Johne Gordoun of Carnefeild, Thomas Dorwart in Achannachie, Walter Halket at the milne of

Acts, June 1634-April 1636. Fol. 40, b.

Rothemay, Johne Tarrell there, Johne Reidfurd and Johne Stevinsone in Meyen, George and William Murreyes in Auchinnoull, can give some light and information anent the heirships and depredations latelie committed upon the Laird of Fendraucht and of the authors, abatters and hounders out of brokin men to the committing of the same; and the Lords of Privie Counsell being carefull to use all lawfull wayes and meanes for discoverie of this mater to the effect the offenders in this kynde may be knowne and punished and remeid sett doun for preventing the like in time comming: And anent the charge givin to the saids haill persons abone namit to have compeired personallie before the Lords

Fol. 41, a.

of Privie Counsell this present xvj day of December instant to have deponned and declared what they knew or sould be speirit at thame in the mater abonewrittin uuder the pane of rebellion, etc., with certification, etc., lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof: Quhilks being callit and Sir Thomas Hope of Craighall, his Majesteis Advocat, compeirand personallie for his Majesteis interesse and the saids Arthure Forbes in Barnhome, Williame Prat, Johne Gordoun at milne of Melros, Normand Leslie, Johne Ogilvie, Mr William Douglas, Mr Robert Blair, Mr Thomas Mitchell, Mr Henrie Ros, Mr Richard Maitlane, Mr John Logie, Mr Androw Massie and Mr Androw Ker, ministers, compeirand lykewayes personallie, and the saids Laird of Glenkindie, elder and younger, compeirand be Mr William Forbes, advocat, and the saids Walter Halket, Johne Tarrell, and Johne Stevinsone, compeirand be Williame Stevinsone, servitour to Mr Laurence McGill, advocat, and the said Mr Alexander Forbes compeirand be George Steuart, servitour to Walter Hay, advocat, and the saids Johne Gordoun of Carnefeild compeirand be John Gordoun of Buckie, quhilks persons undertooke to exhibite the witnesses for whome they compeired upon the threttene day of Januar nixt: and the saids Arthure Forbes, Walter Ogilvie, Thomas Dorwart, George and William Murreyes and Johne Reidfurd being oftymes callit and not compeirand, the Lords of Secreit Counsell ordains letters to be direct charging officers of armes to pas and denunce thame our soverane lords rebells and putt thame to the horne and to escheit, and ordains the persons present to attend the Counsell upon Thursday nixt."

Decreta, November 1633-April 1635. Fol. 181, b.

[Sederunt as recorded above, omitting Naper.]

Edinburgh, 16th December 1634.

Fol. 182, a.

Supplication by Lieutenant-Colonel Hepburne, as follows:—He is sent hither by the French king "to levey ane recrew for the Scottish regiment serving under Sir Johne Hepburne, Colonell," and for this he has obtained a warrant from his Majesty. Captain James Maxwell, brother of the Earl of Nithisdaill, aud Captain Thomas Lindsay, have undertaken the charge of two captains in this service, and before their departure they desire to settle with their creditors and take order with

Supplication by Lieutenant-Colonel Hepburn for protection to Captains James Maxwell and Thomas Lindsay, who have undertaken to serve

in the Scottish regiment in France.

their other important affairs, if their Lordships would grant them protection "from the danger of the law." The Lords grant to the said James Maxwell and Thomas Lindsay liberty to go about in the country for doing their lawful business until the last day of March next, in respect of their having formerly served abroad in the like capacity. Decreta, November 1633-April 1635. Fol. 182, a.

Edinburgh, 18th December 1634.

Sederunt—St. Andrewes; Glasgow; Murrey; Perth; Winton; Lauderdaill; Southesk; Dumfreis; Tracquaire; Bining; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Naper; Master of Elphinstoun; Advocate; Sir James Baillie. Acta, June 1634-April 1636. Fol. 41, a.

Bailiary of Kyle-Stewart.

"The whilk day Johne Foullerton, appearand of Corsebie, compeirand personallie before the Lords of Secreit Counsell, accepted upon him the office of baillerie of Kylesteuart and gave his oath for the faithfull discharge of the same."

Anent the disorders in the North.

"The whilk day Johne, Archbishop of St. Andrewes, represented to the Counsell that nothing wes concluded or deponned in Counsell (as he wes informed) anent the disorders in the North bot the same wes made knowne and divulged unto the brokin men in the North, and thairfoir the said Archbishop recommendit to the Counsell secrecie in all things that sould be treated or deponned in Counsell anent the saids disorders under all highest pane."

Commission for examining informers anent the disorders in the North.

"The Lords of Secreit Counsell gives and grants commissioun be thir presents to Johne, Archbishop of St. Andrewes, Johne, Erle of Lauderdaill, David, Erle of Southesk, and Johne, Bishop of Ros, to conveene and meit the morne at ten of the clocke in the forenoone in the President of the Sessions hous and to examine the witnesses and informers anent the disorders in the North." Fol. 41, b.

Edinburgh, 18th December 1634.

The Middle Shires.

"A missive frome his Majestie anent the conjunct commission of the Middle Shires with a list of the names to be insert therein for either side." Sederunts, November 1629-January 1635. Fol. 133, a.

Informers anent disorders in the North.

"The quhilk day Mr William Forbes, advocat, compeirand for the lairds of Glenkindie, elder and younger, Mr James Ferquharsone, compeirand for Mr Johne Ridfurd, minister, and William Stevinsone, agent, compeirand for Walter Halket, Johne Tarrell, and John Stevinsoun, undertooke to exhibite thame upon the 13 of Januar to informe the Counsell anent the disorders of the countrie, and George Stewart, servitour to Walter Hay, undertooke to exhibite Mr Alexander Forbes."

Edinburgh, 22nd December 1634.

Sederunt.—St. Andrewes; Privy Seal; Glasgow; Murrey; Perth; Lauderdaill; Dumfreis; Southesk; Tracquair; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk." Acta, June 1634-April 1636. Fol. 41, b.

Acts, June 1634-April 1636. Fol. 41, b.

"The Lords of Secreit Counsell ordains letters of treason to be direct aganis George, Marques of Huntlie, for entering his person in waird in the castell of Edinburgh and randering of his houses within fyftene dayes after the charge under the pane of treasoun, upon report to be made to the Clerk of Counsell of the twa registrat hornings aganis the said Marqueis; the one for his not compeirance before the Counsell to underly suche course and order anent the disorders of the countrie as by the lawes of the countrie sould be found necessar and the other for his not compeirance and exhibition of certane rebellis of his kin and surname, men, tennents and servants." Letters of treason to be directed against the Marquis of Huntly.

"The Lords of Secreit Counsell assignes to the gentlemen of the name of Gordoun, who wer present, the morne at eight of the clocke in the morne to advise and report to the Counsell what they will undertake anent the persute and exhibitioun of the brokin men in the North quicke or dead, and tuicheing restitutioun and redresse of the skaith susteanned by the Laird of Fendraucht, and for making the robbers and resetters of his goods answerable, and that they compeir resolved to find cautioun for performance of what they sall undertake in the premisses." Gentlemen of the name of Gordon and the disorders in the North.

"Forsameekle as in the tyme of the late vacance in the moneth of September last, when as the whole Counsell wer about thair effaires and bussines at home, information wes brought to Thomas, Erle of Hadintoun, Lord Privie Seale, who wes onelie in toun for the tyme, that a great nomber of false and counterfoote copper penneis wer brought within this kingdome and outted among his Majesteis subjects as good coyne, quhereupon the said Erle out of the dewtie of his place as one of his Majesteis Privie Counsell gave power and warrand to Mr Alexander Fol. 42, a. Kynneir, writter, to make inquyrie and tryell where and be whome this false coyne hes beene imported and outted and to caus apprehend the delinquents and to committ thame to waird, there to abide thair tryell and punishement; lykeas be vertew of this commissioun and warrand the said Mr Alexander hes apprehendit one , Englishman, with a great quantitie of this false coyne and hes committed him to the jayle of Edinburgh where he now remaines; and the Lords of Secreit Counsell, considdering that the said Erle of Hadintoun did verie worthilie and upon considerable grounds grant the warrand foresaid and quhilk hes produced a verie good effect and successe, thairfoir the saids Lords hes ratified, allowed and approvin, and be the tennour heirof ratifeis and approves the warrand foresaid grantit be the said Erle of Hadintoun, and finds and declares that he did verie worthilie and upon considerable and good grounds grant the warrand foresaid for the good of the kingdome, and exoners him of all and everie thing that may be impute to him or layed to his charge for that caus. And furder the saids Lords hes givin and grantit and be the tennour heirof gives and grants new power, commissioun and warrand to Mr James Gordoun, keeper of his Majesteis Signet, and to the said Mr Alexander Kynneir and to Anent certain utterers of false coin.

as also to all judges, officers and magistrats to burgh and land, conjunctlie and severallie, to make diligent inquyrie and searche where and by whome this false coyne, to witt, the copper pennies and copper farthings, hes beene imported or sall be imported and outted among his Majesteis subjects and to apprehend the persons guiltie and to intromett with the saids false penneis and farthings and to committ the persons guiltie to waird or otherwayes to exhibite thame and thair false coyne to his Majesteis Counsell as they may most convenientlie doe the same: firme and stable halding and for to hald all and quhatsomever thing sall be lawfullie done heerin." Acta, June 1634-April 1636. Fol. 42, a.

Charge anent the House of Rothiemay which has been fortified by rebels.

"Forsamekle as Adame Gordon, brother to the Laird of Parke, and remanent brokin men of the name of Gordoun and others in the North, the better to strenthen thameselffes in thair rebellioun aganis his Majesteis auctoritie and lawes, have tane possession of the hous and fortalice of Rothemay (as would appear with the allowance of the Ladie Rothemay), quhilk hous they have fortified with men, victuall, poulder, bullet and other warlike furniture and keepe the same as ane hous of warre, ishing furth thairof at all occasions to spoyle, burne and slay suche of his Majesteis good subjects aganis whome they beare anie pretendit querrell, to the disgrace of his Majesteis auctoritie and undoing of nombers of poore people; thairfoir the Lords of Secreit Counsell ordains letters to be direct to heralds or pursevants to pas and in his Majesteis name to command and charge the Ladie Rothemay and all havers, keepers and deteanners of the hous of Rothemay to render and delyver the same to the said herald or pursevant, executer of the saids letters, to be keeped be him in his Majesteis name till forder order be givin thereanent be the saids Lords, within twelffe houres after the charge under the pane of treason, with certification to thame and they failyie the said pane of treason sall be execute upon thame without favour: comanding heirby the shireff of Bamf to rise, concurre, fortifie and assist the herald or pursevant, executer of the saids letters, as he will answer on the contrare at his perrell." Fol. 42, b.

Letters of intercommuning against the broken men in the North.

"Forsamekle as Adame Gordoun, brother to Johne Gordoun of Parke, Alexander Gordoun, younger of Innermerkie, Gordon, sone to Gordoun of Gollache, Johne Gordon, sone to Thomas Gordoun of Artlache, Gordoun, sone to Patrik Gordoun in Sutherland, Gordoun, sone to George Gordoun of Achinhannach, Nathaniel Gordoun, sone to Johne Gordoun of Ardlogie, Robert Gordoun, brother to the Laird of Geicht, Johne Gordoun in Rothemay, Alexander Leith, brother to Harthill, Williame Ros, sone to Johne Ros of Ballivet, McGillivorie, servitour to Johne Gordon of Park, McAbrabler, servitour to , ar become opin and avowed enemeis to his Majesteis auctoritie and lawes and to all his Majesteis peaceable and weill disposed subjects in these parts of the North where they resort, and have committed fire raisings, slaughters, heirships and others barbarous cruelteis quhereby

Acta, June 1634-April 1636. Fol. 42, b.

they have demerite his Majesteis high displeasure and the extremest execution of the law and to be abhorred and shunned as persons unworthie to live in a countrie subject to law and justice or to be partakers of the ordinarie benefite of humane societie, suche as meate, drinke, hous, harberie or anie sort of intelligence by word, writt or message, by the quhilks they may be strenthenned in thair rebellion; thairfoir the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamation at the mercat croces of Aberdein, Bamf, Elgine, Forres, Narne, Innernes, Cromartie and others places neidfull that nane of thame presoome nor take upon hand to ressett nor supplee anie of the brokin men abonewrittin nor to furnishe thame meate, drinke, hous, harberie nor no other thing comfortable and necessar unto thame nor to intercommoun, conferre nor have anie sort of intelligence with thame be word, writt nor message during the tyme of thair rebellioun under the panes conteanit in his Majesteis lawes and acts of Parliament made aganis ressetters of his Majesteis rebellis, tratours and dissobedient persons, with certificatioun to thame and they failyie the saids panes sall be execute upon thame without favour."

Fol. 43, a.

Sederunts, November 1629-January 1635. Fol. 133, b.

"The quhilk day his Majesteis Advocat, having of new reproduced the copie of the conjunct commissioun for the Borders with a letter direct to him frome his Majestie for drawing up a signature thereanent, the Lords ordains the copie of the commissioun to be delyvered to the Erles of Dumfreis and Tracquair, and thame to conveene suche gentlemen of the Middleshires as ar in toun and to consider the commissioun, nature and power thereof, and to report thair opinioun thereanent to the Counsell or to the Advocat with convenient diligence."

Edinburgh, 22nd December 1634. The conjunct commission for the Borders.

Acta, June 1634-April 1636. Fol. 43, a.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Wintoun; Lauderdaill; Dumfreis; Tracquair; Bishop of Ros; Bishop of Dumblane; Melvill; Naper; Clerk of Register; Advocate; Justice Clerk.

Edinburgh, 23rd December 1634.

"The whilk day the gentlemen of the name of Gordoun, compeirand personallie before the Lords of Privie Counsell and having refuised the proposition made unto thame anent their undertaking aganis the brokin men in the North except in that part thairof anent thair diligence, quhilk the Counsell thought no wayes satisfactorie, and the saids Lords, having considderit the depositions of the witnesses produced for tryell of the disorders in the North, they find probable presumptions aganis James Gordon of Letterfoure, John Gordoun of Innermerkie, Johne Gordon of Parke, Williame Gordoun of Tullo, James Gordoun of Terrisoule, and James Gordoun, baillie of Strabogy, of thair accessioun to the saids disorders and thairfoir ordains thame to be committed to waird within the tolbuith of Edinburgh therein to remaine upon thair awne expenses

James Gordon of Letterfourie and others of the name of Gordon committed to ward for failing to give satisfaction anent the disorders in the North.

till they be fred and releeved be the saids Lords; and the saids Lords declares that during thair abode in waird they sall be free of all arrestments for anie debts." Acta, June 1634-April 1636. Fol. 43, a.

Robert Gordon, son of Thomas Gordon of Artlache and others, to find caution for the indemnity of the Laird of Frendraught.

"The Lords of Secreit Counsell ordains the persons particularlie underwrittin to find sufficient caution and souertie in the bookes of Privie Counsell for the indemnitie of the Laird of Fendraucht under the panes following, viz., Robert Gordon, sone to Thomas Gordon of Artlache, under the pane of j^m merkes, Sir George Gordon of Geicht, elder, under the pane of ij^m merkes, Gordoun, yonger of Geicht, and the Laird of Cluny under the pane of iij^m merkes, the Laird of Innermerkie under the pane of j^m lib."

Protection to Alexander Hamilton, younger of Lawfield, for a year.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt, signed be the Kings Majestie and this day presentit and read in thair audience, gives and grants thair warrand to Alexander Hamilton, yonger of Laufeild, to haunt, resort and repaire to and fra in all parts of the countrie for doing of his lawfull effaires at his pleasure for the space of ane yeere nixt after the dait heirof and during that space not to be takin, apprehended, warded nor arreisted be vertew of anie letters of horning, caption or other warrand execute or to be execute aganis him for civill causes, discharging heirby all judges, officers and magistrats to burgh and land of all taking, warding or arresting of the said Alexander Hamilton be vertew of anie hornings, captions or other warrands for civill causes, discharging thame thairof and of thair offices in that part for the space of ane yeere nixt after the dait heirof, as said is, provyding alwayes the said Alexander pay the annuells of all suche debts as ar peculiarlie his owne and not originallie contracted by his father. Followes his Majesteis missive abonewrittin.—CHARLES R.— Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we ar informed that Alexander Hamilton, younger of Laufeild, being deepelie ingadged in debt for his father (of whois estait he never had anie benefite) and being forced for danger of arrests to keepe himselfe privat, is thereby disabled frome taking anie course ather for his awne releeffe or satisfactioun of the creditours, whereby they ar like to suffer prejudice and his estait likelie altogidder to perish; we, piteing the distressed estait of the gentleman, ar heirby pleased to recommend him unto yow that he may have libertie for one yeere to come in publict for settling his effaires, provyding he pay the annuellis of all suche debts as ar peculiarly his owne and not originallie contracted by his father. We bid yow farewell. From our court at Whitehall, the 20th of November, 1634." Fol. 43, b.

His Majesty's warrant for the above.

The sum of £100 granted to Mr. Thomas Mitchell, parson of Turiff, and other

"The Lords of Secreit Counsell hes modified and be the tennor heirof modifeis to Mr Thomas Mitchell, parson of Turreff, Mr Henrie Ros, minister at Reynie, Mr Johne Logie, minister at Rathuen, Mr Andro Ker, minister at Glenbucket, Mr Andro Massie, minister at Drumblet,

Acta, June 1634-April 1636. Fol. 43, b.

Mr Richard Maitlane, minister at Abirchirdour, Mr Robert Blair, minister at Forglen, and Mr William Douglas, minister at Forgue, and everie ane of thame the soume of ane hundreth punds as for thair charges and expenses in comming heir to give information anent the disorders in the North, to be payed to thame be his Majesteis Thesaurar, Deputie Thesaurar and receavers of his Majesteis rents out of the first and readiest of the escheit goods of the brokin men in the North." — ministers, for appearing before the Council to give evidence anent the disorders in the North.

Decreta, November 1633-April 1635. Fol. 182, b.

Sederunt[1]—Hadinton; Glasgow; Wintoun; Lauderdaill; Dumfreis; Southesk; Traquaire; Bishop of Ros; Bishop of Dumblane; Melvill; Naper; Clerk Register; Advocate; Justice Clerk. — Edinburgh, 23rd December 1634.

Supplication by Sir George Gordoun, elder of Geicht, as follows:—He has an earnest desire and purpose to confer in matters of religion with the bishops, ministers and other clergymen in this kingdom so that he may be informed in several particulars thereof. Moreover, he is cited before the Lords of Session and some inferior judges to give his oath in certain actions against him; but he can do neither without their Lordships' protection, because of some civil hornings under which he lies. Fol. 183, a. This he therefore craves, and the Lords grant him until Whitsunday next, especially because the supplicant produced a certificate signed by the Archbishop of St. Andrews that the Bishop of Brechin and the ministers of Dundie have testified to him that the supplicant has given surety for satisfaction of the Kirk. — Supplication by Sir George Gordon, elder of Gicht, for protection that he may give satisfaction anent his religion.

Sederunts, November 1629-January 1635. Fol. 134, a.

"Charges aganis the Ladie Rothemay and all others, havers and keepers of the hous of Rothemay, to delyver the same to the herald, executour of the letters, under the pane of treasoun, within 12 houris after the charge." — Charge anent the house of Rothiemay. See *ante*, p. 446.

"A proclamatioun discharging all his Majesteis lieges to ressett or intercommoun with the brokin men under the panes conteanit in the acts of parliament." — *Eodem die, post meridiem.* Anent the broken men in the Highlands.

Decreta, November 1633-April 1635. Fol. 182, a.

Sederunt—Hadinton; Glasgow; Traquaire; David, Bishop of Edenburgh; Clerk Register; Advocate; Justice Clerk. — Edinburgh, 24th December 1634.

Supplication by Alexander Abernethie in Antrum in the kingdom of Ireland, brother-in-law of the deceased John Donaldson in Glenarnie, as follows:—Their Lordships know that the said John Donaldson was cruelly murdered in his own house by Captain John M'Donald and his Fol. 182, b. accomplices, for whose capture on that account a commission was granted, and that one, James Ros, who was an actor in that affair, was apprehended in Glasgow, and is now in the tolbooth there. Seeing the trial and punish- — Supplication by Alexander Abernethie in Antrim that the trial of James Ross, who took part in the slaughter of John Donaldson, brother-

[1] In the Sederunts this sitting is marked as *post meridiem*.

in-law of the supplicant, may take place in Irland where the slaughter was perpetrated.

ment of this man will be more exemplary if these take place where the slaughter was committed, the supplicant craves that their Lordships would give warrant to the provost and bailies of Glasgow to deliver the said James Ros to him and cause some of their burgesses accompany them to Irwing where the supplicant will obtain transport to Ireland. The Lords grant the warrant as craved.

Decreta, November 1633-April 1635. Fol. 182, b.

Edinburgh, 30th December 1634.

Sederunt—Privy Seal; Glasgow; Lauderdaill; Dumfreis; Bishop of Edinburgh; Bishop of Dumblane; Binning; Melvill; Naper; Clerk of Register; Advocate.

Acta, June 1634-April 1636. Fol. 44, a.

Letter from his Majesty requiring that the existing laws should be put in force against the Marquis of Huntly and other landlords in the North for failing to repress the disorders for which they are partly responsible.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes.—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and right weilbelovit cousines and counsellers, right trusty and trusty and weilbelovit counsellers, we greit yow weill. Having latelie beene informed of the great disorders and ryots committed in the northerne parts, whiche insolent beginnings we would have to be repressed in time and the offenders to be severelie punished as the course of justice requireth in the like caises, for whiche purpose we heare yow have alreadie charged the landslords and cheefes of clans and, amongs others, the Marques of Huntlie for the name of Gordoun, of whome some (as we ar informed) have beene cheefe actors in these outrages, to compeir before yow that order may be takin concerning the same; and though we beleeve that, as the said Marques professeth, he is not accessarie to these violences committed by diverse of his name, yitt in regarde it is presoomed by some that if he be not guiltie of acting of it, at least he might ather have prevented it at first or have takin a course for redressing of it in some measure afterwards, our pleasure is that yow putt our lawes in executioun aganis the saids landslords, cheefes of clans, Marques of Huntlie and all others whome yow have for this purpose cited or sall thinke fitt to cite heerafter, according to the Generall Band or to anie order that our lawes doe allow for that effect. Whairof we will yow to be carefull, as yow will be answerable unto us for your diligence in a thing so neerelie concerning us in honnour and justice and the generall good of that our kingdome. We bid yow farewell. Frome our court at Whitehall, the 16 day of December, 1634."

Charge to James Anderson in Damayes and others to appear before the Council and give evidence anent the disorders in the North.

"Forsamekle as the Lords of Secreit Counsell ar informed that James Andersone in Damayes, Alexander Gordon in Mairdrum, Thomas Duff in the Rais, Adame Barclay there, Johne Gordoun in Parkend of Strabogie, Gordon, his sone, Johne Spence in Bruntstane, James Hamilton in Corse, Johne Hamilton, his son there, M[r] Johne Hamilton, parson of Kynnore, M[r] Robert Jamesone, parson of Botarie, Alexander Gordoun of Dunkintie, Donnald Ferquharsone in Monaltrie, younger,

Acts, June 1634-April 1636. Fol. 44, b.

Johne Gordoun, his servant, Donnald Ferquharsone, baillie to the Marques of Huntlie, of Strathawin, Williame Steuart at the Boate of the Boig of Geicht, James Hay in Milpen, Johne Dunbreck of Ortane, Johne Robertsone at the Boate of Fiddith, Alexander Robertsone at the Boate of Skerudastane, Alexander Leslie in Riddrey, Patrik Innes, servitour to Balvenie, George Cumming in Belrynnes, William Gordon in Monymore in Glenlivet, Alexander Ogilvie of Knock, Mr Alexander Innes, parson of Rothemay, Mr John Strauchane, minister at Coltestoun, Sir James Gordoun of Lesmore, Sir George Ogilvie of Carnowsseis, Mr Johne Chalmer, minister at Inverrawin, Robert Dumbar of Burgie, Mr Gawin Dumbar, chantor of Murrey, Sir Robert Inglis of that Ilke, Alexander Lyoun of Muresk, James Hay of Murefald, James Schand in Lethers, Arthure Forbes in Aldtoun of Towy, Thomas Alpine in Kildrynnie, John Areskine of Pittodrie, George Gordoun of Newtoun, George Gordoun of Reynie, James Baird in Gulburne, Johne Mitchell in Easter Buchet, Williame Reid in Desorie, Johne Abirnethie of Tillidoun, George Abirnethie at the wakemilne of Rothemay, Patrik Gordon in Badinfoot, Gairdin, younger, of Blackfuird, Andro Meldrum, baillie of Aberdein, James Finlay in Troupsmilne, Mr Robert Bissat of Lessindrum, William Gollan in Couclerachie, Andro Strauchane in Endach, Mr Robert Gardin, commissar clerk of Murrey, and Mr Williame Scharpe, shireff clerk of Bamf, etc., can give some light and information anent the disorders in the North, the authors and abatters of the same, and there is probable presumptions aganis some of the saids persons of thair accessioun to the saids disorders; and the saids Lords being willing that all lawfull wayes and meanes be used for discoverie of the saids disorders and authors of the same to the effect, the offenders being knowne, order may be tane for thair tryell and punishment and for the peace of the countrie in tyme comming, thairfoir the saids Lords ordains letters to be direct charging the persons foresaids to compeir personallie before the saids Lords at a certane day and to depone what they know or sall be speirit at thame anent the disorders foresaids, authors and abatters of the same, and to underly suche order thereanent as the saids Lords sall thinke necessar, under the pane of rebellioun, etc., with certification, etc."

Commission for examining the Gordons in ward anent the disorders in the North.

"The Lords of Secreit Counsell gives and grants power and commissoun to Johne, Erle of Lauderdaill, Archibald, Lord Naper, Sir Johne Hay, Clerk of Register, and Sir Thomas Hope of Craighall, knight, or anie three of thame, to call before thame James Gordoun of Letterfoure and others of the name of Gordoun, prisoners in the tolbuith of Edinburgh, and to examine thame anent their knowledge and accessioun to the disorders in the North and to meit the morne at twa in the afternoone."

Edinburgh, 30th Decembber 1634. Charge to the sheriffs in the North anent the disorders there.

"Missives to the schireffs of Aberdein, Bamff, Elgine, Narne and Innernes requiring thame to putt thair commissioun to executioun aganis the brokin men and to report thair diligence and acquaint the Counsell at all occasiouns with thair proceedings with convenient diligence." Sederunts, November 1629-January 1635. Fol. 134, b.

Edinburgh, 31st December 1634.

[No record of Sederunt.] Acta, June 1634-April 1636.

Charge to Patrick Maull, son-in-law to the Laird of Reres, and Mr. Patrick Lindsay of Wolmerston, who are at feud, to appear before the Council and meanwhile to keep the peace.

"Forsamekle as it is understand to the Lords of his Majesteis Privie Counsell by information and advertisement frome the right reverend father in God, Johne, Archbishop of St. Andrewes, of some trouble and unquyetnes latelie fallin furth within the citie of St. Androis betuix Patrik Mauld in St. Androis, sone-in-law to the Laird of Reres, on the ane part, and Mr Patrik Lyndsey of Wolmerstoun and Mr Johne and Robert Lyndseyes, his sonnes, on the other part, to the disturbance of the publict peace and apparent danger of further harme to ensew if the same be not tymouslie provydit, for remeid whairof the saids Lords ordains letters to be direct charging the persons abonenamit to compeir personallie before the Lords of his Majesteis Privie Counsell at Edinburgh, or where it sall happin thame to be for the tyme, upon the aucht of Januar nixt to underly suche order for observatioun of his Majesteis peace as by the saids Lords sall be prescryved unto thame, under the pane of rebellioun, etc., with certificatioun, etc.; and in the meanetyme to command and charge the parteis foresaids to observe and keepe our Soverane Lords peace and not to invade nor persew one another under whatsomever cullour or pretext under the panes following, viz., the said Patrik Mauld under the pane of foure thowsand merkes, the said Mr Patrik Lyndsey under the pain of foure thowsand merkes, and either of his twa sonnes under the pane of ane thowsand punds; as lykewayes to charge the persons after specefeit, viz., etc., to observe and keepe his Majesteis peace, as said is, and not to concurre nor assist anie of the saids parties in the violent and lawlesse reparatioun of thair alledged wrongs under the panes respective following, viz., the said, etc., with certificatioun to everie one of the saids persons if they contraveene that they sall be conveenned, found and declared to have incurred the saids panes respective abonementiouned, and letters to be direct for payment thairof in forme as effeirs." Fol. 45, a.

Edinburgh, 3rd January 1635.

Sederunt—Privy Seal; Glasgow; Erroll; Dumfreis; Bishop of Edinburgh; Bishop of Dumblane; Binning; Naper; Clerk Register; Advocate.

Letter from his Majesty appointing the Archbishop of St. Andrews to the

"The whilk day the missive letter underwrittin, signed by the Kings Majestie and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousins and Fol. 45, b.

Acta June 1634-April 1636. Fol. 45, b.

counsellers, right trustie and weilbelovit counsellers, and trustie and weilbelovit counsellers, we greit yow weill. Understanding of the sufficiencie, long experience and affectioun to our service of the right reverend father in God, the lord Archbishop of St. Andrewes, it is our pleasure that he succeid in the place of the late Erle of Kinnoull to be our High Chanceller, and that yow caus delyver unto him the great seale of that our kingdome to be keeped by him as our Chanceller, with all the benefites, priviledges and immuniteis that have belonged to that place heirtofore; whereupon we will our Advocat to draw up a guift of the same during his lyfetyme to be sent unto us. And so we bid yow farewell. From our court at Whitehall, the 23 of December, 1634. Quhilk letter being read, heard and considderit be the saids Lords, they ordained ane missive to be writtin to the said Archbishop requiring his addresse hither with convenient diligence, quhilk wes accordinglie done."

Chancellorship in succession to the Earl of Kinnoull.

"The whilk day Mr David Sibbald, keeper of the great seale under the Erle of Kinnoull, late Chanceller of this kingdome, for obedience of his Majesteis letter and conforme to the command givin to him be the Lords of his Majesteis Secreit Counsell, exhibite before the saids Lords his Majesteis great seale in twa peeces to be givin up and keeped be the right reverend father in God, Johne, archbishop of St. Andrewes, whom his Majestie hes beene pleased out of a long experienced prooffe of his sufficiencie and affectioun to his Majesteis service to make choise of and prefer to be High Chanceller of this kingdome; the whiche great seale, in respect of the Archbishop of St. Andrewes his absence at this tyme, wes delyvered to James Primerose, clerk of his Majesteis Privie Counsell, to be keeped be him till the said Archbishop his returne; and the saids Lords exoners and discharges the said Mr David of the said seale and of the purse wherein it is keeped for now and ever."

The great seal delivered to the Clerk of the Council in the absence of the Archbishop of St. Andrews.

Sederunts, November 1629-January 1635. Fol. 134, b.

"Charges aganis Patrik Campbell of Edinample for his compeirance and exhibitioun of twa lymmars being in his custodie, or ellis to shaw caus why, etc., under the pane of rebellioun, etc."

Patrick Campbell of Edinample to exhibit two "lymmaris" to the Council.

Acta, June 1634-April 1636. Fol. 46, a.

Sederunt—Privy Seal; Bishop of Glasgow; Wigtoun; Lauderdaill; Dumfreis; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Clerk of Register; Advocate.

Edinburgh, 8th January 1635.

The Lordship of Torphichen.

"The Lords of Secreit Counsell continewes the advising of the Lord Torphichins processe anent the nature of the erection of the lordship of Torphichin till the twentie nynt day of this instant, whairof ordains intimatioun to be made to the said Lord to keepe the said dyet."

"The Lords continewes the advising of the report anent the plaiding till Tuisday nixt, quhairof John Sinclar, deane of gild of Edinburgh, compeirand for the burrowes, and Thomas Areskine of Pittodrie compeirand for the gentrie ar warned *apud acta*."

Anent the plaiding.

Edinburgh, 8th January 1635.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635.

Complaint by Mr. Arhcibald Cameron, minister at Inchcailloch, against Sir John Buchanan of that Ilk.

Complaint by Mr. Archibald Cameron, minister at Inshecalzeoche, as follows:—About twenty years ago he was admitted minister at this kirk and has ever striven with many great difficulties to maintain a peaceful ministry, but these efforts have been frustrated by the masterful oppression of Sir John Buchannan of that Ilk and George Buchannan, his son and heir apparent. They withhold his stipend, and, though he has frequently put them to the horn, yet they abide thereat as if they were in no way subject to the law, and for several years have persecuted him with all the malice they can devise. They have taken possession of his manse and debarred him from his glebe. A boat which was built for ferrying the complainer and the country people over the Water of Enrick, which is within a bow shot to the kirk, the said Lairds of Buchannan have refused to him, discharging the keeper of the boat to ferry him over under all highest pain, knowing that the complainer must come every Sabbath from Dumbartane to his kirk, which is seven miles distant therefrom, and that if he cannot cross by the boat he must go other four miles round through moss and muir to the hazard of his life. He had cited the said Lairds before their Lordships for this in February last, when the said young Laird compeared personally for himself and his father, and they submitted their differences to the decision of Patrick, Archbishop of Glasgow, and Adam, Bishop of Dumblane, who decided that the said Sir John should pay to the complainer £400 for the tack of the teinds of his lands in the parish of Inshecalzeoch for the year 1633, and also £300 due by bond, and that before Whitsunday last; also that Sir John should find caution for these payments and for relieving the complainer of the taxation of the parsonage of Inshecalzeoch for the years 1631, 1632 and 1633; as also that the said George should pay to him £200 as the expenses formerly decerned against him, and that before Whitsunday last. To this the Lords interponed their authority and further ordained the said Lairds of Buchannan to permit the complainer to have the use of the boat foresaid. But the said Lairds of Buchannan had never any intention of obeying this decree for which the complainer caused charge and put them to the horn on 1st November last, but this horning they disregard and the said George lies among his friends disdaining to acknowledge either law or justice. Parties being cited and the pursuer compearing by Aula M°Aula, writer in Edinburgh, his procurator, but not the defenders, the Lords ordain the said George Buchannan to be charged to render his house of and enter his person in ward within Blacknes within six days after the charge under pain of treason.

Fol. 183, a. Fol. 184, b. Fol. 185, a. Fol. 185, b.

Complaint by Alexander Forbes of Auchintoul and William

Complaint by Alexander Forbes of Auchintoull and William Gardiner, his tenant, as follows:—The lands of Castlehill and Boigiesyde belong to the said Alexander Forbes heretably, and for several years he has been

Decreta, November 1633-April 1635. Fol. 185, b.

in undisturbed possession thereof until lately that Sir George Jonstoun of Caskiben has resolved by bangsterie and oppression to debar him therefrom. On 8th April last, without any lawful warrant he came to the said lands and caused poind the tenants for their rents; and, because the said William Gardiner refused to pay anything until he was freed of the complainer, "the said Sir George vowed, er it were long, to take suche order with him as he sould not have ane coke left to crow by day." Accordingly in September last, "some brokin men under night herryed and away tooke the compleaners haill meanes, extending to more nor five hundreth merks, and persewed himselfe of his liffe." When the poor man, upon 4th October last, told the said Sir George, in the house of Drunmoir belonging to Lord Forbes, "that he wes als good as his word, the said Sir George, being loath that the mater sould come to heiring, sent his ordinar minister, Mr Robert Cheyne, to the compleaner, to desire him to be silent." Also, on the 3rd of the said month, Alexander Knox, James Ogilvie, Patrick Jonstoun, Robert Gordoun, and others, servants to the said Sir George, and at his instigation, came to the said William Gardiner's cornyard, and cast "tua of his beir stakks be vertew of some letters quhilk wes suspendit and the suspension intimat to the said Sir George, and the rest of the servants armed with suords, durks and other wapons, stood by reddie to offer violence to all suche as would presume to impede the said Allexander Knox in casting the stacks." Finding that notwithstanding of this he could not prevail upon the tenants to pay their rents to him, the said Sir George dealt with one Lachlan Ferquharsone and twelve other Hieland men who are entertained by the gentlemen of the country by a monthly allowance as a watch against the disorders of the broken men, and persuaded them to go to the said tenants and threaten them that unless they paid their rents to Sir George, they would suffer their whole goods to be robbed. And accordingly, shortly thereafter, there were two horses taken from the poor man. Charge having been given to the said Sir George, and he compearing along with Alexander Forbes for himself and his said tenant, the Lords, after hearing parties, remit the part of the complaint anent the casting of the stacks and medling with the corns to the Lords of Counsell and Session, and continues the trial of the riot until that has been discussed.

Gardiner, his tenant, against Sir George Johnston of Caskiben for violently seizing the goods of the said William Gardiner.

Fol. 186, a.

Fol. 186, b.

Complaint by Jeane Chrystie, lawful daughter of the deceased Andrew Chrystie, indweller in Leith, as follows:—She has lived for the past two years in England with Grissell Lyn, her mother, and has now come "to her native soyle for gathering in some debts and airship falling unto her be her fathers deceasse," so as to pay her creditors and "to enterteane herselfe in ane honest ranke and condition." Being, however, engaged in her minority for certain of her parents' debts, she is in danger of caption unless she obtain a protection. Charge having been given to George Low, Thomas Mudie, Isobel Edgar, Janet Purves

Supplication for protection by Jean Christie.

and James Creichtoun, her creditors, and the pursuer compearing, but none of the defenders, the Lords continue her former warrant until Lammas next. Decreta, November 1633-April 1635. Fol. 186, b.

Representation by the provost and bailies of Culros anent John Clerk, by the wheel of whose cart a child had been killed.

Complaint by the Provost and bailies of the burgh of Culros and John Clerk for his interest, as follows:—"Upon the 26 of November last there fell out a miserable accident within thair burgh, to wit, Edward Ezat, mariner in Culros, haveing a young chyld named Robert Ezat, of the age of twa yeeres or therby, playing upon the steps of the staire at the east syde of the said Eduard his hall doore accompanied with ane other yong bairne of his; in the meane tyme Johne Clerke, coalcaer, indweller in the said burgh, come by the foote of the staire with a horse loadned with coalls within a great coale cairt, the head of the said yong bairne wes overtrade by the whele of the cairt wherby the bairne, within ane hour thairafter, departed this lyffe; for the quhilk the said John, preissing to have escaped, wes apprehendit and committed to warde within the tolbuith of the burgh of Culros, where he now remaines, protesting and affirming his innocencie, and that he wes at the other syde of the horse and saw not the bairne till the head of the bairne stayed the course of the cairt." The complainers thought right to investigate the facts by examination of witnesses by whose statements it clearly appears that the said John is innocent of the slaughter of the said bairn; yet they cannot set him at liberty untill they know the Council's pleasure therein; and, as he is but a poor man, he is like to starve for cold and hunger in the said tolbooth. Charge having been given to the said Edward Ezat, and the pursuers compearing by James Kennowie, W.S., their procurator, but the defender not compearing, the Lords having seen the act and rolment of the burgh of Culros under the hand of Robert Forret, clerk of the said burgh, setting forth that the said provost, bailies and council of the said burgh being convened in the tolbooth, had called before them the said Edward Ezat and Margaret Huttoun, his spouse, the child's parents, and asked them if they would prosecute the said John Clerk for the bairn's death, they "both in ane voice judiciallie declared that they wald nowayes prosecutte nor follow out such a bussines and that they wald not persew the said John Clerke for the slauchter and death of the bairne, bot they desyrit that the said John at his releefe might be put furth of the toun out of thair sight for appeasing thair greife"; in respect thereof ordain the said provost and bailies of Culros to put the said John Clerke to liberty, but taking him first enacted in their burgh court books to remove from the said burgh within twelve hours after his release and in no case to return to the said burgh at any time thereafter under the pain of death. Fol. 187, a. Fol. 187, b.

Complaint by Bethia Guthrie against William Ker, fiar

Complaint by Bethia Guthrie, widow of Walter Murray, overseer of his Majesty's Works, as follows:—On 10th December instant, William Ker, fiar of Yair, was put to the horn at her instance for not paying to

Decreta, November 1633-April 1635. Fol. 188, a.

her 400 merks for the nonentry of the lands of Sunderlands, but he pays no heed thereto, and she now craves caption against him. The pursuer compearing by her procurator, John Dunlop, advocate, but the defender not compearing, the Lords ordain the sheriff of the shire wherein he dwells to apprehend him and to take possession of his house and goods.

of Yair, against whom she craves letters of caption.

Complaint by Agnes Maxwell, Lady Stanehouse, and Cuthbert Hamilton of Cander, now her spouse, as follows:—They are in debt to several creditors for sums contracted by the said Agnes in her widowhood as tutrix to James Hamiltoun of Stanehouse, her son, and are resolved to dispose of some of their lands for satisfaction of their creditors; while they have also some actions depending before the Lords of Session against the said James for recovery of sums paid for him during his minority, and another action against him before his Majesty's Council, but none of which they dare attend for fear of some hornings they underly. Charge having been given to Sir James Hamiltoun of Broomehill, Gavin Hamiltoun of Raploch, James, Gilbert and John Hamiltoun, burgesses of Edinburgh, Agnes Byres there, Bessie Mader there, Isobel Cohound there, George Bannatyne there, John Robesone in Meikle Ernok, Arthur Hamiltoun of Auchingreinan, John Hamiltoun in Glasgow, James Rowat in Dykheid, Bessie Boig in and John Bade, her spouse, James Hamiltoun of Stanehous, Adam Hamiltoun in Homeheid, James Hamiltoun in Mylnehome, John Allan in Caulstrayne, Robert Stobo in Kittiemure, John Barre there, John Hamiltoun in Stanehous, John Coits there, John Alstoun there, John Miller there, John Maller there, Umpha Williamsone there, Jonet Pet there, Margaret Bar in Walstoun, Sir James Hamiltoun of Fingaltoun, Allan Couper in Mylnburne, Thomas Harvie in Altoune, William Hamiltoun of Dasarff, Andrew Forrest there, Agnes Steill and , her spouse, there, John Patersone in Mureheid, John Broun in Draffan, Quintin Weir in Southfeild, John and Alexander Fairlie in , William Lein in Cleuchbrae, Sir W. Baillie of Lamintoun, John Carmichell of Litlegill, James Hamiltoun, commisser clerk of Lanerk, Gavin Stevinsone, baxter in Edinburgh, James Cochrane, factor, John Shaw, merchant there, George Ker, tailor there, William Caldwall, merchant there, Alexander, Mr. Samuel and Patrick Tailfeir there, James Wilson, writer, James Leslie, tailor, Robert Wallace, servitor to Peter Algeo, James Keith, servitor to John Dunlop, Archibald Hutton, servitor to James Rig, John Ker in the Cannogait, Robert Raustane, writer in Edinburgh, Marion Tuedie and Mr. James Law, her spouse, all creditors to the complainers, to appear this day before the Lords, and the said Cudbert Hamiltoun compearing for himself and his said wife, and of the creditors only the said James Keit [*sic*], by his master, John Dunlop, advocate, and the said Mr. Samuel Tailfeir for himself and his two brothers, and having been heard, the Lords grant their protection to the said Cudbert and his wife for repairing

Complaint by Agnes Maxwell, Lady Stenhouse, and Cuthbert Hamilton of Candor, her spouse, who crave protection that they may satisfy their creditors.

Fol. 188, b.

safely to and from Edinburgh until the last day of July next, the said Cudbert promising upon his honour and credit to appear before their Lordships on 21st July next and underlie their will and pleasure in the event of his not having before that time satisfied the said Mr. Samuel, Alexander and Patrick Tailfeir. Decreta, November 1633-April 1635. Fol. 189, a.

Complaint by Robert Christie, merchant burgess of Edinburgh, who craves protection.

Complaint by Robert Chrystie, merchant burgess of Edinburgh, as follows:—In 1621 the Lords of Session, considering how greatly he was distressed on account of his being cautioner for Sir Alexander Hamiltoun of Innerweik, younger, granted him protection for a year, but he has not obtained relief of any of his burdens. On the contrary, he has been forced to pay 20,000 merks for the said Sir Alexander, and he is now reduced to the extremity of entreating their Lordships for a further protection. Charge having been given to Mr. William Clerke, minister at Woltoun, Robert Aitkine, sone to the Commissary of Orkney, Mr. Harry Aitkine, Commissary of Orkney, Balmanno, son of Alexander Balmanno, writer, and Alison Reid, his mother, as creditors to the complainer, and the pursuer compearing but none of the defenders, the Lords grant him their protection until Lammas next.

Acts of caution by John Cuninghame, fiar of Barns and others.

Acts of caution by John Cuninghame, fiar of Barnis, for Robert Forbes of Reres, and by the said Robert Forbes for the said John Cuninghame, also by the said Robert Forbes for William Forbes, apparent of Reres, his son, that they will not molest Mr. Patrick Lindsay of Wolmerstoun, Mr. John and Robert Lindsay, his sons, and George Lentron, merchant in St. Andros, nor their men, tenants, or servants, each under the penalty of 5000 merks, of which penalty one half is to go to the King's Majesty and the other half to the party grieved. Fol. 189, b.

Similar acts of caution by Mr. Patrick Lindsay of Wormeston and others.

Similar acts of caution by Mr. Patrick Lindsay of Wormestoun for Mr. John and Robert Lindsay, his sons, and for George Lentron, merchant in St. Androse, and by George Lentron of Trustie for the said Mr. Patrick Lindsay, that they will not molest the foresaid Robert Forbes of Reres, William Forbes, apparent thereof, John Cuningham, fiar of Barns, and Patrick Mauld in St. Andros, nor their men, tenants or servants, the said Mr. Patrick Lindsay under the penalty of 4000 merks, and the others under the penalty of £1000 each.

Edinburgh, 18th January 1635.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Murrey; Wigton; Gallouay; Lauderdaill; Dumfreis; Lorne; Bining; Naper; Bishop of Edinburgh; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk. Acta, June 1634-April 1636. Fol. 46, a.

Charge to John, Earl of Athole, and others who had been commissioned

"Anent our Soverane Lords letters direct makand mentioun, forsamekle as the Lords of Privie Counsell ar informed that great nombers of sorners and brokin men of the Clangregour, Clanlauchlane, Clanrannald, and others brokin clans in the Hielands, Loquhaber, Stradoun, Glencoe,

Acta, June 1634-April 1636. Fol. 46, a.

Bramar and others parts, as alsua diverse of the name of Gordoun and thair dependers and followers in the incountrie, have this long time bygane and now latelie verie greevouslie infested his Majesteis good subjects in the north parts, especiallie the Laird of Fendraucht and his tennents, by frequent depredations, slaughters, heirships, and barbarous cruelteis committed upon thame, and by ane late treasonable fire raising within the said Laird of Fendraucbts bounds, whereby not onelie is all the gentlemans lands layed waist, his whole goods and bestiall spoyled, slaine, and mangled, some of his servants killed and cruellie demained, bot also the haill tennents of his lands and domesticks of his hous hes left his service and lands, and himselfe with the hazard of his life hes beene forced to steale away under night and have his refuge to his Majesteis Counsell; and thir disorders ar growin to that hight that almost nowhere in the north countrie can anie of his Majesteis good subjects promise saifetie unto thameselffes bot ar in continuall danger and feare of some suddane surprise by fire or otherwayes frome thir brokin men: And the Lords of Privie Counsell, in this so deplorable estait of the countrie, finding it thair boundin dewtie to use all meanes possible for preserving the honnour and credite of his Majestie his auctoritie and lawes and reparation of the losses of his distressed subjects, they have thairfoir resolved upon trew information of the authors of thir disorders, thair abbatters and ressetters, to take suche exemplar order thereanent as the delinquents may underly thair deserved punishment and his Majesteis peaceable subjects be repaired in thair losses and in time comming secured frome the incursions and disorders of thir brokin men. And anent the charge givin to Johne, Earle of Atholl, George, Earle of Seafort, Arthure, Lord Forbes, Alexander, Lord Pitsligo, Sir Alexander Irwing of Drum, Sir Coline Campbell of Glenurquhie, Sir James Campbell of Lawers, Sir Johne Grant of Freuchie, Johne Grant of Glenmorestoun, McRannalds, elder and younger, McRannald of Glengarrie, Allan McEanduy, Johne and Donnald Camrons, his sonnes, McInnabruch of Glencoe, the Laird and Tutor of Glenneveis, Johne Grant of Rathimurchus, the Laird of McIntoshe, Hew, Lord Lovat, Patrik Grant of Ballindallach, Johne Grant, fear thairof, Sir Robert Innes of Balvenie, Gregour McGregour and Patrik, his brother, Thomas Crombie of Kemnay, shireff principall of Aberdein, William, Erle Mairshell, shireff principall of Kincardin, Sir William Steuart of Garnetullie, shireff principall of Perth, George Baird of Auchnedden, shireff principall of Bamf, Alexander McKeinyie of Culcowie, shireff principall of Innernes, Johne Campbell, younger of Calder, shireff principall of Narne, and James Dumbar of Boigs, shireff principall of Murrey, to have compeired personallie before the Lords of Privie Counsell this present threttene day of Januar instant to have givin information to the saids Lords anent the heirships, depredations and others disorders committed upon the Laird of Fendraucht, his tennents and servants and others his Majesteis peaceable subjects in the

to report anent the disorders in the Highlands, to appear before the Council and to give in the said report.

Fol. 46, b.

North since the burning of the towre of Fendraucht, and farder to have underlyne suche order anent the peace of the countrie and restraining the depredations of all brokin men dwelling upon thair lands or being of thair clans for whome they aucht to be answerable be the lawes of the countrie, and tuicheing redresse to be made be thame to his Majesteis oppressed subjects of the losses and damages susteanned be thame since the burning of the said towre of Fendraucht, as by the lawes and acts of Parliament sould be found necessar, and that they sould have compeired in maner and to the effect foresaid under the pane of rebellion and putting of thame to the horne, with certification to thame and they failyied that not onelie sould they be denunced rebellis, etc., bot also suche exemplarie course sould be followed out aganis thame as the honnour and peace of the countrie requires; lykeas at mair lenth is conteanit in the said letters, executions and indorsations thairof. Quhilks being callit and Sir Thomas Hope of Craighall, knight baronnet, compeirand personally for his Majesteis interesse, and the saids Erle of Seafort, Lords Lovat, Forbes, Pitsligo, the Laird of Drum, the Laird of Grant, the Laird of Glencoe, the shireffs of Bamf, Aberdein, Innernes and Narne, compeirand personallie, and the said Erle of Atholl compeirand be Robert Stewart of Balliachin, his baillie, and the said Erle Mairshell compeirand be Mr Robert Petrie, his procuratour, and the said Laird of Glenurquhie compeirand be Robert Campbell, his brother, and the said Johne Camron compeirand personallie for himselfe and his said father and brother, and the said Laird of Glenmorestoun compeirand be Patrik Grant, his sone, who tooke the twentie fourt day of Februar nixt to exhibite his said father and actit himselfe to stay in toun till that time under the pane of ane thowsand merkes, and the said Sir Williame Stuart compeirand be Williame Steuart, his sone, who produced ane testimoniall under the hand of Mr Williame Glas, minister at Little Dunkelden, and others famous persons, testifeing upon thair conscience the said Sir Williame his inabilitie to travell in respect of the gutt and gravell wherewith he is heavilie troubled, and the said Laird of Glengarrie compeirand be Johne M^c^Ilannald, his procurator, who produced ane testimoniall under the hand of the minister of Abertierf, Schiurin Scheill, chirurgian, and Robert Abraham, notar, testifeing the said Laird of Glengarrie his inabilitie to travell or to keepe this dyet in respect of his decrepit age, being fourescore twelffe yeeres, and that he is lying bedfast, as the saids twa testimonialls beiris, and the said Laird of Balvenie being personally present, and the said Johne Grant, fear of Ballindallach, compeirand personallie for himselfe and his said father; and the saids M^c^Rannalds, elder and younger, the Laird and tutor of Glenneveis, and Laird of Rathimurchus, and M^c^Gregour and his brother being ofttymes callit and not compeirand; the Lords of Secreit Counsell ordains and commands the parteis present to attend the saids Lords

Acta, June 1634-April 1636. Fol. 46, b.

Fol. 47, a.

Acta June 1634-April 1636. Fol. 47, a.

upon Thursday nixt, and the saids Lords excuses the absence and not compeirance of the saids Lairds of Garnetullie and Glengarrie in respect of testimonialls foresaids, and ordains letters to be direct to denunce the saids Lairds of M°Rannald, Glenneveis, Tutor thairof, Rathimurchus and M°Gregour and his brother our Soverane Lords rebellis, and putt thame to the horne and to escheit, etc."

Fol. 47, b.

"Forsamekle as upon occasioun of some late trouble quhilk fell out in the citie of St. Andrewes betuix Mr Patrik Lindsey of Wolmerstoun, Mr Johne and Robert Lindseyes, his sonnes, and Lentron on the ane part, and Patrik Mauld, indweller in St. Andrewes, on the other part, the Lords of Secreit Counsell patt the saids Mr Patrik, Mr Johne and Robert Lindseyes and the said Lentron under good and sufficient caution for keeping of his Majesteis peace with the said Patrik Mald; in respect quhereof necessar it is that the said Patrik find the like caution, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the said Patrik Mauld to find sufficient and responsall caution and souertie actit in the bookes of Privie Counsell for keeping of his Majesteis peace with the saids Mr Patrik, Mr Johne and Robert Lindseyes, and Lentron, and that they sall be harmelesse and skaithlesse in thair bodeis, lands, roumes, possessions and not to be troubled nor molested therein be the said Patrik nor no others of his causing, sending, hounding out, command, ressett, assistance nor ratihabitioun whome he may stop or latt, directlie nor indirectlie, in time comming otherwayes nor be order of law and justice, under the pane of three thowsand merkes, within sax days after the charge under the pane of rebellion, etc., and if he failyie to denunce, etc."

Charge to Patrick Maull to find caution that he will keep the peace in respect of Mr. Patrick Lindsay of Wolmerston and others.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Mr William Forbes, advocat, and exhibite before the saids Lords Alexander Strauchane of Glenkindie; and siclyke compeired personallie Williame Stevinsone, servitour to Mr Laurence M°Gill, advocat, and exhibite before the saids Lords Walter Halket, Johne Tarrell, and Johne Stevinsone and that for obedience of the acts whereby they become obleist to that effect."

Mr. William Forbes, advocate, and William Stevenson, servitor to Mr. Lawrence M'Gill, advocate, exhibit certain persons before the Council.

"The whilk day Thomas, Erle of Hadintoun, Lord Privie Seale, reproduced before the Lords of Privie Counsell his Majesteis letter by the whiche his Majestie hes made choise of the right reverend father in God, Johne, Archbishop of St. Andrewes, to be High Chanceller of this kingdome, and gave order for delyverie of the great seale to be keeped be his lordship; according whereunto James Prymrois, clerk of his Majesteis Privie Counsell, to whome the keeping of the seale, purse and mace wer formerlie committed, exhibite of new the said great seale, purse and mace whiche this day wes givin up to the said Chanceller, who receaved the same with all dutifull and thankfull respect to his Majestie

The great seal, purse, and mace delivered to the Chancellor.

Fol. 48, a.

for the great honnour whereunto it hes pleased his Majestie to advance

him, offering himselfe to imploy his best care and endeavoures for approving himselfe worthie of the trust reposed be his Majestie in him." Acta, June 1634-April 1636. Fol. 48, a.

Caution by Mr. Patrick Lindsay of Wolmerston for Mr. John Lindsay and Mr. Robert Lindsay, his sons.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Mr Patrik Lindsey of Wolmerstoun and become actit and obleist, as cautioner and souertie for Mr Johne Lindsey, his sone, that he sall compeir personallie before his Majesteis Counsell or Justice whenever he sall be lawfullie charged to answer upon his alledged persute, hurting and wounding of Patrik Mauld in St. Andrewes under the pane of fyve thowsand merkes; as alsua the said Mr Patrik become actit and obleist, as cautioner and souertie for Robert Lindsey, his sone, and Lentron in , that they sall compeir personallie before the saids Lords or before his Majesteis Justice whenever they sall be charged to the effect foresaid, they being within the countrie, either of thame under the pane of fyve thowsand merkes; and the saids Lords declares that this cautioun sall be without prejudice to the said Patrik Mawld to charge the persons foresaids to find caution to underly the law according to the commoun course observed in like cases."

Delivery of his Majesty's cachet to the new Lord Chancellor.

"The whilk day Mr Francis Hay, writter to his Majesteis signet, compeirand personallie before the Lords of Secreit Counsell, produced and exhibite before thame his Majesteis caschet wherewith he wes entrusted be George, Erle of Kinnoull, late Chanceller of this kingdome, whilk cashet wes delyvered to Johne, Archbishop of St. Andrewes, whome his Majestie hes made choise of to succeed in the place of the said late Chanceller."

Charge to George, Earl of Seaforth, and others to report anent the disorders in the North.

"The whilk day the Lords of Secreit Counsell hes recommendit and be the tennour heirof recommends to George, Earle of Seafort, Arthure, Lord Forbes, Hew, Lord Lovat, Alexander, Lord Pitsligo, Sir Alexander Irwing of Drum, Sir Johne McKeinzie of Tarbet, William McIntoshe of that Ilke, Sir Robert Inneis of Balvenie, Johne Campbell, fear of Calder, Robert Campbell of Glenfallach, Mungo Campbell, fear of Lawers, and the shireffs of Aberdein, Bamf and Innernes, to give a trew and faithfull informatioun in writt under thair severall hands upon thair honnour of thair knowledge of the disorders in the North, of the causes, authors and instruments of the same, with thair opinioun anent the remedeis for pacifeing the countrie and compescing the authors thairof, and that they delyver the same privilie to the Lord St. Andrewes betuix [and] the morne at twelffe of the clocke."

Edinburgh, 13th January 1635.

John Peter and Robert Neish, burgesses of Forfar, ordained to pay fines for selling tobacco contrary to the law.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for prosecuting the reformation of the sale of tobacco, through the promiscuous selling whereof by all manner of persons, and everywhere, and often of that which is corrupted and rotten, the health of the subjects is endangered; and for the remedy of which disorder his Majesty by Decreta, November 1633-April 1635. Fol. 183, a.[1]

[1] Entered under 8th January, but with the following note on the margin:—"This act sould be of the date the 13 day of Januar."

Secreta, November 1633-April 1635. Fol. 183, b.

patent, dated at Quhythall, on 19th April last, granted absolute power to the said commissioners for seven years thereafter to regulate the sale of tobacco by granting licences to such persons as upon examination they should think fit to be entrusted with the retailing thereof and upon such terms as they should agree; whereupon proclamation was made forbidding all other persons to sell or retail tobacco within the kingdom under penalty of confiscation of the tobacco and such other punishment as his Majesty's Council should inflict. This proclamation being found unsatisfactory in respect of the penalty, his Majesty, with advice of his Privy Council, by a posterior act and proclamation fixed 100 merks as the penalty to be incurred *toties quoties* by every person who should contravene the same by selling or uttering tobacco by the ounce, pound or other proportion under and within a stone weight, of which penalty the half should go to the informer and the other half to the said commissioners, in addition to the confiscation of the tobacco. Yet, since the foresaid proclamation, John Peter and Robert Neish, burgesses of Forfar, have sold and uttered small quantities of tobacco at sundry times and so have incurred the penalty above mentioned. Charge having been given to the said John Peter and Robert Neish, and they compearing along with his Majesty's Advocate and the said Sir James Leslie, who referred to the defenders' oath of verity for probation, the said Robert Neish granted that he sold a quarter stone weight of tobacco, and John Peter confessed he had sold five pounds weight. The Lords in respect of their admissions ordain them to agree with the said commissioners for giving satisfaction for their offence before Tuesday, the 13th instant; and this matter being called this day, and it being found that they had not dealt with the said commissioners as directed, the Lords ordain them each to have incurred the penalty of 100 merks, and ordain letters to be issued for payment thereof against them.

Sederunts, November 1629-January 1635. Fol. 135, b.

"Continewes the advising of the report anent the plaiding till Thursday nixt." Edinburgh, 13th January 1635. The plaiding.

Acta, June 1634-April 1636. Fol. 48, b.

Sederunt—St. Andrewes; Glasgow; Mar; Murrey; Wigton; Gallouay; Dumfreis; Bining; Bishop of Edinburgh; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk. Edinburgh, 14th Jauuary 1635.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Alexander Forbes in Turreff for obedience of the act whereby George Stuart, servitour to Walter Hay, undertooke to exhibite the said Alexander to give information anent the disorders in the North." Alexander Forbes and the disorders in the North.

"The Lords of Secreit Counsell, upon good and considerable reasons of state, ordains Sir John Hay, Clerk of his Majesteis Registers, to discharge his clerkes and keepers of the registers of seasings of all receaving and registration in thair bookes of anie infeftment or seasing Anent the lands of Cantyre.

to be takin be the Earle of Antrim or Lord Dinluce or anie others to thair behove of the lands of Kintyre." Acta June 1634-April 1636. Fol. 48, b.

Anent the same.

"The Lords of Secreit Counsell, having heard and considderit the petition givin in be Archibald, Lord of Lorné, anent the bargane and sale of the lands of Kintyre to the Earle of Antrim and his sone, and having considderit his Majesteis interesse therein (the saids lands being a part of his Majesteis annexed propertie) and the fearefull prejudices that may arise thereby to the disturbance of the publict peace if the Earle of Antrim and his sone or anie of the Clandonnald (contrare to the provision of the Earle of Argile his infeftment of the lands foresaids) sall recover the possession of thair wounted inheritance frome whiche by his Majesteis royall force and auctoritie they wer worthilie expelled, the saids Lords thinkes meit in respect of thé importance of the bussines that the Clerk of Register sall remonstrat the estait and consequence thairof to his Majestie, and in the meanetime that his Majestie be intreatted by a letter to give warrand to his Exchecker to stay all passing of anie suche signature till the Clerk of Register may convenientlie repaire to court and acquaint his Majestie with the trew estait of the bussines."

Charge forbidding the Earl of Antrim from taking possession of the house and lands of Cantyre.

"The Lords of Secreit Counsell, upon good and considerable reasons of stait moving thame, ordains letters to be direct charging Malcolme McNauchtane, baillie of Kintyre, James Steuart, chamberlane, Hew Campbell, commissar thairof, and all others, havers or keepers of the hous of Keadloch, Kilkerren, *alias* Campbeltoun in Kintyre, perteaning to James, Lord Kintyre, to reteane and keepe the possession of the said hous and not to suffer the Earle of Antrim, the Lord Dinluce nor no others in thair name to apprehend possession of the same, notwithstanding of anie right or infeftment made and givin to thame thairof, ay and whill the saids keepers receave new order and directioun frome the saids Lords thereanent, as they and everie ane of thame will answer upon the contrare at thair highest charge and perrell; and siclyke to command, charge and inhibite Johne Nicoll, younger, writter in Edinburgh, Donnald and Johne McGillichrists, notars, that they nor nane of thame presoome nor take upon hand to be notars to anie instrument of seasing to be takin of the lands of Kintyre or anie part thairof be the said Earle of Antrim, the Lord Dinluce or their attorneyes to thair behove, notwithstanding of anie chartour to be exhibite unto thame of the saids lands, as they will answer upon thair disobedience at thair perrell and under the pane to be callit, persewed and punished as contemners of the saids Lords thair warrand and auctoritie." Fol. 49, a.

Edinburgh, 14th January 1635.

Charge to the sheriffs of Aberdeen, Banff, and Inverness

"The Lords ordains the commissioun direct to the shireffs of Aberdein, Bamff and Innernes aganis the brokin men of the name of Gordoun to be renewed, with power to thame to goe outwith the bounds of thair jurisdictioun and to follow and persew the saids brokin men and to raise how and cry, and to concurre with the nixt schireff as the necessitie of Sederunts, November 1629-January 1635. Fol. 136, a.

Sederunts, November 1629-January 1635. Fol. 136, a.

the service sall fra tyme to tyme require, and if the saids brokin men sall abandoun thair houses and places of retreat, with power to the saids shireffs to enter within the same and to keepe and fortifie the same till they certifie the Counsell and receive order thereanent." anent the broken men of the name of Gordon.

Acta, June 1634-April 1636. Fol. 49, a.

Sederunt—St. Andrewes; Glasgow; Mar; Murrey; Dumfreis; Lorne; Bishop of Edinburgh; Bishop of Dumblane; Naper; Clerk Register; Advocate; Justice Clerk. Edinburgh, 15th January 1635.

"The whilk day the commissiouns to the shireffs of Aberdein, Bamf, Innernes, Elgine and Narne wer ordained to be renewed. Lykeas Thomas Crombie of Kemnay, shireff principal of Aberdein, George Baird of Auchmedden, shireff of Bamf, Johne Campbell, fear of Calder, shireff of Narne, and Alexander McKeinyie of Culcowie, shireff of Innernes, compeirand personallie before the saids Lords, the commissioun and the power and extent thairof wes intimat unto thame and the charge and execution thairof wes seriouslie recommendit unto thair care. And the saids Lords declared that what charges the shireffs sall bestow upon the keeping and fortifeing of suche houses and strongholds as they sall recover frome the rebells sall be thankfullie repayed unto thame, remitting heirby to the saids shireffs to appoint amongs thameselffes the dayes of thair meitings and convocation of the lieges in armes, and ordaining everie shireff to be leader of the companeis within thair awne bounds and jurisdictioun, with power to the saids shireffs to distribute and divide the inhabitants within the saids shirefdoms according to the bounds and place of thair residence and dwelling, as they sall thinke fitt, and accordinglie to appoint thame to attend upon the resort of the saids rebellis within thair bounds, and to hunt, follow and persew thame according to the tennour of thair commission. And, for the better execution of this service and furnishing of vivers to the lieges who sall be imployed therein, the saids Lords gives power to the shireffs respective to prescryve and sett doun the prices of all victualls according to the accustomed rates receaved in the countrie and to see the lieges answered of vivers conforme to the saids rates and prices. And the saids Lords ordains the shireffs to certifie the Counsell of thair proceedings fra time to time as they will answer upon thair neglect." Renewal of commission to the sheriffs of Aberdeen, etc., anent the broken men in the Highlands.

Fol. 49, b.

"The Lords of Secreit Counsell, in respect of the shireff of Narne his necessar caus of abode heir, recommends unto him to give strict order to his depute for execution of the commissioun foresaid aganis the brokin men." The sheriff of Nairn and the commission aforesaid.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne Murrey, *alias* McGregour of Glenstrae, and become actit and obleist as cautioner and souertie for Patrik McGregour, his brother, that he sall compeir personallie before the saids Lords upon the twelffe day of Februar nixt under the pane of fyve thowsand merkes." Caution by M'Gregor of Glenstrae for Patrick M'Gregor, his brother.

Edinburgh, 15th January 1635.

[Sederunt as recorded above.]

Decreta November 1633-April 1635. Fol. 190, a.

Complaint by Thomas Nairn of Athrosk and John Riach, his servant, against Patrick Grant for assault on the said John, and injury to the cattle of the said Thomas.

Complaint by Thomas Nairne of Athrosk and John Riache, his servant, as follows:—On September last, Patrick Grant, son of the late Mr. Robert Grant, accompanied by twelve persons armed with bows, targes, Lochaber axes and other weapons, came to the lands of Athrosk, where the said John was pasturing his said master's goods, and, without any occasion of offence, they wounded him with their weapons on the head, arms and other parts of his body, to the effusion of his blood, "shamefullie tirred him of all his cloathes and sent him naked to his maister," thereafter with stones and staves striking and wounding his beasts, and chasing them off his lands and rendering them unprofitable. The pursuers compearing by Colin McKenzie, their procurator, but the said Patrick Grant not compearing, the Lords ordain him to be denounced rebel and escheated.

Edinburgh, 15th January 1635.

Report of Thomas Erskine of Pittodrie anent the plaiding.

"The quhilk day Thomas Areskine of Pittodrie exhibite to the Counsell the report of the tryell takin by the commissioneris for the barons anent the presenting of plaiding to mercat in rolls; the advising quhairof continewed to this day aucht days, quherof Pittodrie for the barons and Mr Alexander Guthre for the burrowes ar warned *apud acta*."

Sederunts, November 1629-January 1635. Fol. 136, b.

Anent the sale of gunpowder.

"A proclamatioun discharging all merchants and others of all selling of bullet, poulder and other warrelike furniture to anie of his Majesteis lieges without the knowledge and allowance of the shireff of the shire till they be warranted in the contrare."

John Stevenson.

"Ordains Johne Stevinsone in Bamff to be committed to warde for traffiquing with Adame Gordoun."

Edinburgh, 20th January 1635.

Sederunt—St. Andrewes; Glasgow; Mar; Murrey; Kingorne; Wigton; Gallouay; Dumfreis; Tracquair; Naper; Bishop of Edinburgh; Bishop of Dumblane; Clerk Register; Advocate: Justice Clerk.

Acta, June 1634-April 1636. Fol. 49, b.

Letter from his Majesty anent the disorders in the Highlands, and Act of Council in accordance therewith.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne, Erle of Tracquair, and presented and exhibite before the saids Lords the missive letter underwrittin, signed be the Kings Majestie and direct to the saids Lords, of the whilk the tennour followes: —CHARLES R.—Right reverend father in God, our right trustie and our right trustie and weilbelovit counsellour, right trustie and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we did of late writt to yow at severall times for taking order with the abuses and outrages committed in the north, and understanding since of the great care and panes yow have takin in the same by using the lawfull meanes for rectifeing thairof, we give yow heartie thankes, and doe desire yow earnestlie to continew as yow have begun, it being a bussines whiche we have so muche takin

Fol. 50, a.

Acts, June 1634-April 1636. Fol. 50, a.

to heart as importing in so high a measure the good of our service and the generall peace and quyet of that our kingdome. In regard whairof and that it is so presumptuous and extraordinarie a crime we will yow putt in execution anie law or president whatsomever whiche to hath beene used at anie time heirtofore in the like caises, for doing whairof these presents sall be your sufficient warrand. Frome our court at Whitehall, the nynth of Januar, 1635. Quhilk missive being read, heard and considderit be the saids Lords, they ordaine Androw Quhyte, keeper of the tolbuith of Edinburgh, to separat James Gordon of Letterfoure, Johne Gordoun of Innermerkie, Johne Gordoun of Park and Williame Gordoun of Tulloch, and to committ thame to severall chambers till they be examined anent the disorders in the north; and forder the saids Lords gives and grants full power and commissioun to Johne, Erle of Wigton, Alexander, Earle of Gallouay, Johne, Earle of Tracquair, Sir Johne Hay, Clerk of Register, Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, when he may attend, and Sir James Carmichaell of that Ilke, Justice Clerk, to examine the noblemen, barons and gentlemen in the North anent the disorders there and to try of thame who ar the brokin men by whome the peace of the countrie is disturbed, where they dwell, where and be whome they ar ressett, and who ar answerable for thame be the lawes of the countrie, and to report to the Counsell what they find by the saids examinations; and to meit the morne at eight of the clocke in the morning."

Sederunts, November 1629-January 1635. Fol. 137, a.

"Missives to the erles of Erroll and Mairshell and Seafort, the Lords Forbes, Pitsligo and Desfurde for assisting the shireffs of Bamff, Aberdein, etc., in the execution of thair commissiouns aganis the brokin men." Edinburgh, 20th January 1635. Anent the broken men in the Highlands.

"The quhilk day the Erle of Tracquair produced the conjunct commissioun of the Middle Shires." The conjunct commission of the Middle Shires.

"The quhilk day Alaster Robertsoun, compeirand before the Counsell to give informatioun anent the disorders in the North, the Lords ordains him to attend the committee the morne." The disorders in the Highlands.

Acts, June 1634-April 1636. Fol. 50, a.

Sederunt—St. Andrewes; Glasgow; Mar; Murrey; Kingorne; Wigtoun; Gallouay; Lauderdaill; Dumfreis; Tracquair; Lorne; Bining; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk; Naper. Edinburgh, 22nd January 1635.

"Forsamekle as the Lords of Secreit Counsell ar informed that Adame Gordoun, brother, Johne Gordoun of Park, Alexander Gordoun, younger of Innermerkie, Williame Gordoun, sone to Gordoun of Gollachie, Johne Gordoun, sone to Thomas Gordoun of Artlache, Gordoun, sone to Patrik Gordoun in Sutherland, Gordoun, sone to Johne Gordoun of Achinhannach, Nathaniel Gordon, sone to Johne Gordoun of Ardlogie, Robert Gordoun, brother to the Laird of Geicht, Commission to the sheriffs of Aberdeen, etc., to pursue the broken men who have injured the Laird of Frendraught.

elder, Johne Gordoun in Rothemay, Alexander Leith, brother to Harthill, Williame Ros, sone to Johne Ros in Ballivet, McGillivorie, servitour to Johne Gordon of Park, and McAbrabler, servitour to , ar the authors and committers of the late disorders and insurrections in the North and of the heirships, depredations, fire raisings and others heavie oppressions committed upon the Laird of Fendraucht his tennants and servants, whois haill goods they have lifted, layed thair lands waist, hanged one of the poore tennents upon the gallowes of Strabogie, burnt the said Laird of Fendracht his barnyaird, and compellis suche of the tennents as remaines upon the ground to pay thame blackemaill, and with ane high hand of rebellion they have resolved to make thameselffes maisters of the said Laird of Fendraucht his estait and to possesse thameselffes therein and to keepe the same by strenth of armes in contempt and defyance of his Majesteis royall auctoritie; being assisted in thair rebellions by nombers of brokin Hielandmen and others, with whome they goe up and doun the countrie ravaging and oppressing his Majesteis good subjects, and in speciall poore ministers who ar not of power to oppose thair violence, and that in so hostile and terrible ane maner as the like hes not beene heard of at anie time heirtofore, to the disgrace of his Majesteis governement and to the shame and reproache of his Majesteis officers and others his Majesteis subjects of power, auctoritie and commandment in these parts where thir rebellious persons resort aganis thair dewtie and alledgeance to his Majestie and affection quhilk they ow to the peace and quyetnes of the countrie. For remeid whairof the Lords of Secreit Counsell ordains letters to be direct charging the shireffs of Aberdein, Bamff, Elgine, Forres, Narne and Innernes and thair deputs respective to conveene and raise in armes the haill noblemen, gentlemen and others fensible persons within thair severall jurisdictions in proper person and to pas, follow and persew the saids brokin men and all others brokin men being in thair companie, where ever they may be apprehended, ather within thair awne bounds or outwith the same and to raise how and cry, and to certifie the nixt shireff and others ordinar judges to whois bounds they sall flee and to concurre and joyne with thame frome time to time as the necessitie of the service sall require, that is to say, the shireffs of Bamff and Aberdein to concurre and joyne with others within the shirefdomes of Aberdein and Bamf, the shireffs of Bamf and Murrey to concurre with others within the shirefdomes of Murrey and Bamf, the shireffs of Innernes and Murrey to concurre with others within the shireffdomes of Innernes and Murrey, as alsua to concurre with the shireff of Narne and his deputs within the shirefdome of Narne, so oft as they sall be required everie ane of thame be another and to proceed and goe on in that service ay and whill the saids brokin men be apprehended and exhibite to his Majesteis Justice to underly thair deserved punishement, under all highest panes and charge that the saids shireffs and others his Majesteis

Acts, June 1634-April 1636. Fol. 50, b.

Fol. 51, a.

Acta, June 1634-April 1636. Fol. 51, a.

subjects may incurre incaise of thair dissobedience, neglect or foreslowing of this service: Ordaining heirby his Majesteis saids shireffs to take particular notice and tryell of all suche of his Majesteis subjects who sail ather refuise, neglect or foreslow to give thair personall, effauld and readie concurrence, or who having givin thair concurrence sall desert the service before they be dismist; and to give in ane list and roll of thair names to the Counsell to the effect suche order may be tane with thame as the importance of the service requires: With power to the saids shireffs and others foresaids for the better apprehension and exhibition of the saids persons to raise fire, beare and weare hacquebuts and pistolets, assiege houses, and to doe and performe all and everie other thing requisite and necessar for thair said apprehension and exhibition, notwithstanding quhatsomever lawes, acts or statuts made in the contrare, whereanent and all panes conteanit therein, and all slaughters, mutilations, fire raisings and others inconvenients, quhilks sall happin to fall out in the persute of the saids rebellious persons and thair assisters, the saids Lords dispenses be thir presents, exonering thame thairof and of all crime and danger they may incurre therethrow *simpliciter*. And if it sall happin the said brokin men to abandoun the places and houses of thair ressett and retreate, commanding heirby the saids shireffs to enter within the saids houses and to keepe and fortifie the same till they certifie the Counsell and receave order and directioun thereanent. And incaise the saids brokin men for eshewing of apprehensioun sall happin to abandoun the incountrie and flee to anie part of the Hielands nixt adjacent perteaning to the Marques of Huntlie, the Earle of Mar, the Laird of Grant or anie others noblemen, barons or gentlemen, commanding heirby the saids Marques, Earle of Mar, Laird of Grant and others foresaids and thair bailleis, everie ane of thame within thair awne bounds and jurisdictions, upon advertisement to be made be the saids shireffs unto thame that thir brokin men ar come within thair bounds to raise the countrie people, pas, follow and persew the saids brokin men with fire and sword untill they be apprehended as they will answer upon the contrare at thair highest charge and perrell, charging heirby the saids noblemen, barons and gentlemen and all others his Majesteis lieges and subjects quhatsomever and in speciall the inhabitants of the burrowes of Aberdein, Bamf, Elgine, Narne and Innernes to rise, concurre, fortifie and assist in person the saids shireffs respective, notwithstanding of anie exemption pretendit be the burrowes, in all and everie thing tending to the apprehensioun of the saids rebellious persons and to attend and await upon the saids shireffs, till they be dismist be thame, under all highest pane and charge that after may follow and under the pane to be persewed and punished as approvers and allowers of the saids rebellious persons and thair courses with all rigour and severitie."

Fol. 51, b.

Edinburgh, 22nd January 1635.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 190, b.

Complaint by the Sheriff of Aberdeen against the Laird of Frendraught, who refuses to pay his taxation on the ground that his lands have been harried.

Complaint by Thomas Crombie of Kemnay, sheriff principal of Aberdene, as follows:—The Laird of Fendraucht has been charged to make payment to the complainer, as sheriff, of £106 for his Majesty's taxation and £57 for his part of the commissioner's charges at the late parliament and Convention of Estates of 1630; but he refuses to pay, alleging that his lands are harried and laid waste so that he has no benefit thereof and ought not therefore to pay taxation; but this notwithstanding these sums will come against the complainer in his accounts with his Majesty's Collector. The pursuer compearing and the Laird of Fendraucht being represented by David Seatoun, his servant, the Lords after hearing parties, and "compassionatting the distrest estate of the Laird of Fendraucht in respect of the manie incursionis, heirships and depredationis committed upon his tenents," remit the matter to the Lords of the Exchequer and recommend to them the superseding of any execution against the said Laird of Fendraucht for payment of the taxation due to his Majesty out of his lands until further order be given in the matter, and as they may judge expedient.

Fol. 191, a.

Supplication by James Paull, who has been driven from Poland on account of his religion, that the Council would authorise a general subscription in his favour.

Supplication by James Paull, merchant in Pole, as follows:—He has for "these diverse yeeres bygane lived in the condition and qualitie of ane merchant in the Kingdom of Pole with the commendation als weill of strangers as natives with whom he had commerce. Lykeas he tooke to his wyffe ane honest woman in that countrey with whome he did so painefullie travell in the mater of her religion, she being ane papist, as she is now become ane zealous professor of the truthe. But they have beene of late so vehementlie persecutted be the Jesuits that they were forced to leave those parts where they had thair means and trade and to come heir to this kingdome for refuge and saiftie. For about tua yeeres since or therby, he being at the buriall of ane Protestant in Lubline, there fell out ane cruell conflict by the meanes of some Jesuits who hundit out a nomber of craftsmen, louse people of thair profession, who cruellie persewed the supplicant of his lyffe and with shot of musket, in the supplicants sight, killed his brother, quhilk moved the supplicant to revenge his death by killing the man who killed him, and the conflict wes so hote that there wes three or foure killed on the Jesuits syde. Quherupon they prosecutte the bussines with suche rigour that there wes twelff of this nation and dutches imprissoned and some judged to death. But the supplicant, escaping narrowlie by the favor of the Vaywod of Bells, cheefe governour there, they tooke his wyffe and delt with her in the maters of her religion by betting, dragging and shamefull handling of her; but she remained constant in the truthe and could nather by fire or tortour be gayned to that idolatrous profession. And, at last, she also escaping

Decreta, November 1633-April 1635. Fol. 191, b.

hes lived this long tyme bygane verie obscurelie, and the suppleant himself durst not appeire in the countrey becaus of the extremitie of the law. Bot now, by the advyce of the whole ministrie, the supplicant and his familie are now comed to this kingdome to live heir as by ane ample testimoniall sent in his favours by the superintendent and ministers of the orthodoxe religion in these parts to the clergie of this kingdome and by ane testimoniall of the said Vaywod of Bells upon the truthe of the premisses more fullie appeires. And whereas the litle meanes quhilk the supplicant had is by this late inconvenient lost and it is impossible for him without the support of weile disposed Christians to live in ane honest condition of lyffe," he craves a recommendation from their Lordships of his necessitous estate to all his Majesty's lieges, especially to such as have been travellers in the country of Pole, and to all archbishops, synods, presbyteries and kirk-sessions, and magistrates of burghs. This the Lords grant with the request to such that they will extend their beneficence and Christian charity to the supplicant.

Complaint by Martin Balfour, portioner of Lalatheine, as follows:— He has frequently complained to their Lordships of the oppressions committed upon him and his servants by David Lundie of Achtermearnie, and especially in the year 1632 how he was prevented from leading his corns of the lands of Adie through the commonty of Lalatheine to his own barnyard, when the Lords ordained the said David Lundie to suffer the complainer to do so. But Lundie pays no heed to their Lordships' decree, and, on 17th October last, "after the compleaner had yolkit his carts to have brought home his cornis of Adie to the barneyaird of Lalathaine, the said David, accompanied with three or foure persons, came to the compleaners servants who were bringing home his cornes, violentlie patt thame from the cornes, boasted, threatned and minassed thame with death if they medlit any furder in that mater, so as the compleaners servants for feare of thair lyffes were forcit to leive the cornes and they stand upon the feilds sensyne exposed to the injurie of wedder so that a great part of thame are rotten and the rest destroyed with beasts." Further, in July last, when the complainer's goods were pasturing upon his own lands the said David and his accomplices hounded and chased them, "broddit thame with stalves," and still prevents them pasturing upon his own ground. Again, in 1632 they came to the complainer's "biggit faulds and violentlie threw doune the same to the ground, and tooke the faill therof and biggit up the passage of the toure lone, so that the complainer's goods can gett no passage to his propertie; and sensyne he hes halding 5 desson of geisse upon the compleaners lands of Lalathaine be whome his cornes ar eaten and his sheepe rotten and perisht. And in Junij last the said David came to the compleaners commontie of Lalathaine, and hundit and chaist away his servants frome

Fol. 192, a.

Complaint by Martin Balfour, portioner of Lalathen, against David Lundie of Achtermernie, who, contrary to an ordinance of the Council, prevents the complainer from leading his corn, and does injury to the complainer's property.

casting faill theron." Both pursuer and defender compearing personally, and they and witnesses having been heard, the Lords find the defender guilty of violating their former decree, for which they decern him to pay £8 as expenses to each of the three witnesses in the case, and to enact himself in 1000 merks to permit the pursuer and his servants to carry their corns of Adie through the commonty of Lalathaine to his said barnyard. And the Lords remit the remaining points of the complaint to be dealt with by the judge competent. Decreta, November 1633-April 1635. Fol. 192, b.

Edinburgh, 22nd January 1635. Anent the peace of the country.

"The quhilk day the Advocat exhibite to the Counsell a draught of a generall band grounded and having relation to the acts of parliament made for the peace and quyetnes of the countrie." Sederunt, November 1629-January 1635. Fol. 137, a.

The disorders in the North.

"The Lords ordains charges to be direct aganis the noblemen, landslords and chiftans of clans to find cautioun conforme to the acts of parliament."

The plaiding.

"The Lords continewes the advising of the report anent the plaiding till this day aucht dayes."

Edinburgh, 26th January 1635.

Sederunt—St. Andrewes; Glasgow; Mar; Wigtoun; Gallouay; Dumfreis; Tracquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Lorne; Lord Bining; Lord Naper; Clerk Register; Advocate; Justice Clerk. Acta, June 1634-April 1636. Fol. 51, b.

Patent for the appointment of John, Archbishop of St. Andrews, as Lord Chancellor, exhibited to the Council.

"The whilk day Johne, Erle of Mar, exhibite and produced before the Lords of Privie Counsell ane patent under his Majesteis great seale and privie seale of the dait at Whitehall, the fourteene of Januar instant, by the whiche his Majestie hes beene graciouslie pleased out of his long experienced prooffe of the wisdome, fidelitie and affectioun to his Majesteis service of the right reverend father in God, Johne, Archbishop of St. Andrewes, primat and metropolitane of this kingdome, to make choise of him to be Lord High Chanceller of this kingdome in place of George, Erle of Kinnoull, late Chanceller of the said kingdome, with all honnours, liberteis, priviledges and casualiteis dew and belonging to the said place; lykeas the said right reverend father in God, being personallie present and acknowledging his Majesteis gracious favour shawin unto him in preferring him to this high dignitie and trust, he receaved with all dew reverence and thankfulnes his Majesteis patent foresaid frome the said Earle of Mar and halding up his hands gave his great and solemne oath that he sall trewlie and faithfullie discharge the place and dewtie of ane Chanceller and sall keepe and use the great seale according to the trust reposed be his Majestie in him." Fol. 52, a.

William, Lord Alexander, admitted into the Council.

"The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented to the saids Lords, hes receaved and admitted and be thir presents receaves and admitts Williame, Lord Alexander, to be one of the Privie Counsell of this kingdome, and to injoy all the honnors, digniteis, priviledges and

Acta, June 1634-April 1636. Fol. 52, a.

immuniteis proper and dew to that place; lykeas the said Lord Alexander, being personallie present and acknowledging with all dew reverence his Majesteis gracious favour showin to him in preferring and advancing him to this honnour and dignitie, he with all humilitie on his knees, his hand lying on the halie evangell, made and gave the oath of alledgeance and of a privie counseller. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and trustie and weilbelovit counsellers, we greit yow weill. Understanding the habiliteis and affection to our service of our right trustie and weilbelovit Williame, Lord Alexander, and being willing for his better encouragement and enabling for our service heerafter to promove him to be one of our Privie Counsell of that our kingdome, it is our pleasure that, having administred unto him the oath accustomed in the like caises, yow admitt him upon our said Counsell as one of your nomber, for whiche these presents sall be your warrand. Frome our court at Whitehall, 7 Januar, 1635."

Supplication by John Murray, *alias* M'Gregor, now in Edinburgh by the order of the Council, that he may be permitted to visit his wife and children who are sick of a fever.

"Anent the supplication presentit to the Lords of Secreit Counsell be Johne Murrey, *alias* McGregour of Glenstrae, makand mention that where for obedience of the saids Lords thair ordinance, he came to this burgh upon the ellevint of Januar instant, where he hes remained sensyne attending the saids Lords thair will and pleasure towards him, and now it is of truthe that his wife and barnes ar presentlie sicke of a fever and hes directed ane post to him to come and visite thame, quhilk journey, if the supplicant had licence, he would undertake and also bring and present with him hes brother Patrik at suche a day as they sall prescryve; humbelie desyring thairfoir the saids Lords to grant unto the supplicant licence to goe home, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read heard and consideritt be the saids Lords and they advised therewith, the Lords of Secreit Counsell gives and grants libertie and licence to the said supplicant to pas home to his awne hous and to visite hes wife and childrein, he acting himselfe for his awne compeirance and for exhibitioun of his brother Patrik upon the sevintene day of Marche nixt under the pane of fyve thowsand merkes."

Fol. 52, b.

Sederunts, November 1629-January 1635. Fol. 137, b.

The Bishop of Dunblane to celebrate Communion in Holyrood Chapel.

"The quhilk day Adame, bishop of Dumblane, deane of the chappell, made intimatioun to the counsellers present that he wes to celebrat the halie communioun in the chappell of Halyrudhous on Sonday nixt."

Acta, June 1634-April 1636. Fol. 52, b.

Edinburgh, 27th January 1635.

Sederunt—St Andrewes; Glasgow; Mairshell; Mar; Murrey; Wigtoun; Gallouay; Lauderdaill; Dumfreis; Tracquair; Lord Lorne; Lord Alexander; Lord Naper; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk.

"The Lords of Secreit Counsell gives and grants commission be thir

Appointment

of commission for examining Henry Ewbank, who is charged with uttering false coin.

presents to Williame, Erle of Dumfreis, Johne, Earle of Tracquair, Sir Johne Hay, Clerk of his Majesteis Registers, Sir Thomas Hop of Craighall, knight baronnet, his Majesteis Advocat, Sir James Carmichell, Justice Clerk, and Mr Alexander Colvill, Justice Depute, or anie twa of thame to conveene before thame Henrie Yowman, prisouner in the tolbuith of Edinburgh, for alledged counterfootting and outting of false turnours, and to examine him where and frome whome he receaved thame and who ar the forgers and counterfootters of the same, and to report to the Counsell what they find therein." Acta, June 1634-April 1636. Fol. 52, b.

Landlords and chieftains to find caution for broken men.

"The whilk day the Lords of Secreit Counsell hes concluded and ordained that all landslords and chiftans of clans sall find caution for observing of the acts of Parliament made aganis theeves, sorners and brokin men conforme to the tennour thairof, and ordains suche as ar present in toun to find the said cautioun before thair removall; and ordains letters to be direct aganis these that ar absent for thair compeirance before the Counsell to find the said cautioun under the panes conteanit in the saids acts." Fol. 53, a.

Letter from his Majesty requiring the widow of Sir Archibald Acheson, late Secretary of the Council, to deliver the papers of the said Secretary.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennor followes:—CHARLES R.—Right reverend father in God, our right trustie and weilbelovit counseller, right trustie and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Understanding of severall papers and others things whiche ar in the hands of [? the relict of] Sir Archibald Acheson, our late Secretarie there, whiche may concerne our service in the said charge, and being desirous for that effect that they sould be delyvered to our Secretarie for the time being, it is our pleasure that yow take order that she delyver up unto our right trustie and right weilbelovit cousine and counseller, the Earle of Stirline, or anie frome him, whatsomever seales, papers or warrands left by her husband which may concerne the said office of Secretarie, for doing whairof these presents sall be your warrand. Frome our court at Whitehall, the 8th day of Januar, 1635. Quhilk missive being read, heard and considderit be the saids Lords, they ordaine Johne, Erle of Lauderdaill, to make intimatioun to the said umquhill Sir Archibald his ladie of his Majesteis will and pleasure mentiouned in the said letter and to require her to satisfie the desire thairof and to report her ansuer to the saids Lords upon Thursday nixt."

Edinburgh, 27th January 1635.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 192, b.

Supplication by Sir Colin Campbell of Glenorchy for a note of the fact that his

Supplication by Sir Colin Campbell of Glenurquhie as follows:—He was charged, among others, to appear before their Lordships on 13th instant to give such information as he could about the disorders of the north, and in respect of his "desease and infirmitie and of his inabilitie to travell

Decreta, November 1633-April 1635. Fol. 192, b.

on horse or foote, knawin to the countrey where he dwells," he has sent Robert Campbell of Glenfalloche, his brother, to answer for him, whom their Lordships were pleased to accept in his place. It is necessary, however, that he should have some note or record of their excusing of his absence, and this he craves. The Lords grant the same, that "understanding perfytlie the supplicants infirmitie and inabilitie to travell at this tyme of the yeere," in respect of his brother's compearance to answer for him, they hereby excuse his absence and dispense therewith and with all danger he may incur therethrough.

brother had been accepted as his representative by the Council.

Sederunts, November 1629-January 1635. Fol. 138, a.

"Charges at the instance of his Majesteis Advocat and the Erle of Seafort aganis the Captane of Clanrannald and Sir Donnald Gorme to sett cautioun for keeping of the acts of parliament and releeffe of the Erle of Seafort thair superiour."

Edinburgh, 27th January 1635. The Captain of Clanranald and Sir Donald Gorme.

"The Lord Louatt cautioner for Seafort, Seafort cautioner for the Lord Lovatt and laird of Grant, and Robert Campbell cautioner for his brother Glenurquhie."

Cautions by Lord Lovat and others.

"The Lords assignes Thursday nixt to the Lords Forbes and Pitsligo, the lairds of M^cintoshe, Balveny, Glenree, Johne Camroun and laird of Caddell to find caution for observing the acts of parliament."

Cautions required of Lord Forbes and others.

"The Lords ordains commissiouns to be past and expede to suche noblemen, barrons and landslords as sall crave the same for persute of brokin men and sorners within thair bonnds, ordaining thame once every quarter of yeere to certifie the Counsell of thair proceedings."

Commissions to be granted anent broken men.

Acta, June 1634-April 1636. Fol. 53, a.

Sederunt—St. Andrewes; Glasgow; Mairshell; Mar; Gallouay; Lauderdaill; Dumfreis; Tracquair; Bishop of Dumblane; Lord Lorne; Lord Alexander; Lord Naper; Clerk of Register; Advocate; Justice Clerk.

Edinburgh, 29th January 1635.

"The whilk day Mr James Gordoun, keeper of his Majesteis signet, having exhibite before the Lords of Privie Counsell a nomber of false and counterfoote turnours and farthings quhilks wer deprehended with Henrie Eubank, Englishman, the saids Lords ordains the said Mr James to caus delyver the same to the generall and maister of the cunyiehous whome the saids Lords ordains to caus destroy, deface or melt the same as they sall thinke expedient."

Warrant for the destruction of false coin.

Fol. 53, b.

"Forsamekle as there wes sindrie seales, signets, papers and warrands and other things concerning his Majesteis service in the office of Secretarie in the hands of umquhill Sir Archibald Achesone, knight, his Majesteis late Secretarie, whiche now by his deceasse sould be delyvered to his Majesteis trustie cousine and counseller, the Earle of Stirline, his Majesteis Secretarie, quhilke seales, signets, papers and writts ar now in the hands and keeping of Sir Leues Lauder, knight, sone-in-law to the said umquhill Sir Archibald, who will not deliver the same without ane warrand; thairfoir the saids Lords ordains letters to be direct charging

Charge to Sir Lewis Lauder to deliver seals, warrants, etc., which were in the keeping of Sir Archibald Acheson, Secretary of State, father-in-law of the said Sir Lewis.

the said Sir Leues to compeir personallie before the saids Lords upon the day of Februar nixt and to bring, produce and exhibite with him all seales, signets, papers, letters, warrands and others writts and things being in his hands and keeping concerning his Majesteis service in the said office of Secretarie to the intent the same may be delyvered to the said Erle of Stirline, or suche as hes warrand frome him, conforme to his Majesteis direction sent doun to that effect, under the pane of rebellion, etc., with certificatioun, etc." Acta, June 1634-April 1635. Fol. 53, b.

[Sederunt as recorded ahove.] Decreta, November 1633-April 1635. Fol. 193, a.

Ediuburgh, 29th January 1635.

Supplication for protection by Andrew Wardlaw, son of the deceased Mr. Patrick Wardlaw of Torrie.

Supplication by Andrew Wardlaw, son of the deceased Mr. Patrick Wardlaw of Torrie, as follows:—Their Lordships, commiserating his hard estate in being left by his father with nothing but the heavy burden of his debts, and to whom he was served heir by those in charge of his education who were ignorant of this state of matters, granted to him their protection from personal caption for a space. As the present is the only season wherein the supplicant can profitably educate himself, he craves an extension of the protection. This the Lords grant for the space of three years after the date hereof.

Edinburgh, 29th January 1635.

The plaiding.

"The Lords continewes the mater anent the plaiding till Tuisday nixt, quherof Pittodre for the barons and Mr Alexander Guthrie for the burrowes ar warned *apud acta*." Sederunts, January 1635-November 1643. Fol. 1, a.

Lord Torphichen.

"Continewes the advising of Torphichins processe till this day aucht dayes."

Proclamation against false coin.

"A proclamatioun aganis the receavers and outters of false copper coyne, and ordains a patterne of the false coyne to be sent to the burrowes for thair knowledge and discerning of the same and refuisall thairof."

Letter to the Earl of Stirling anent the importation of false coin from England.

"A letter to the Erle of Stirline requiring his lordship to acquaint his Majestie with the abuse croppin in this kingdome by the course of fals copper coyne alledged to be strickin and falsified in England and outted heir, and thairfoir to desyre his Majestie to write to the shireffs and justices of peace in England quhair the said coyne is forged and falsified to take tryell of the persons offenders and to punishe thame conforme to the law and accordinglie to provide aganis the like abuse in time cuming."

Cautions by the Laird of Grant and others.

"The quhilk day the Laird of Grant become cautioner for Balveny, the Laird of Caskiben cautioner for the Lord Forbes, Alexander Forbes of Boyntie cautioner for the Lord Pitsligo, Sir Thoms Thomesone of Duddingstoun cautioner for the Laird of Drum, Archibald Campbell cautioner for the Laird of Lawers, elder and younger, the Laird of Caddell and Schireff of Cromartie cautioners for others *hinc inde*, the Lord Lovatt cautioner for Ballengowne, and Balingowne with consent of the shireff of Cromartie, his curator, actit himselfe for Lovats releeffe for thair

Sederunts, January 1635-November 543. Fol. 1, a.

observance of the acts of Parliament made aganis landslords and chiftans of clans."

"The Lords ordains the committee to meit the morne at nyne houres for perusall of the rollis of brokin men." Broken men.

Fol. 1, b.

"A proclamatioun discharging all his Majesties subjects of receaving or ressetting in thair bounds anie goods but suche as they know to be lawfull goods and quhairof there is no ground of suspicion that the same ar stollin, under the panes conteanit in the acts of Parliament made thereanent." Proclamation against the receiving of illegal goods.

Acta penes Marchiarum, etc., 1587-1636. Fol. 38, b.

Act of caution by Sir Thomas Thomesone of Duddingston, knight, for Sir Alexander of Irwing of Drum, knight, that he will observe the Acts of Parliament made for suppressing disorders and settling peace in the Hielands, Borders and other parts of the kingdome, especially the Act made in the Parliament held at Edinburgh in December, 1567, *cap.* 21; that in the Parliament held at Linlithgow, in December, 1585, *cap.* 16; that in the Parliament held at Edinburgh, in July, 1587, *cap.* 93 and 94; and that in the Parliament held at Edinburgh, in June, 1594, *cap.* 227; and that he will fulfil all the articles thereof relating to heads and cheftains of clans, under the penalties therein contained; with clause of relief. (Signed) S. THOMAS THOMSON; S. ALEX. IRWIN. Edinburgh, 30th January 1635. Caution by Sir Thomas Thomson of Duddingston for Sir Alexander Irving of Drum.

Similar act of caution by Sir George Johnston of Caskiben for Arthur, Lord Forbes; with clause of relief. (Signed) ARTHUR L. FORBES. Similar act of caution by Sir George Johnston of Caskiben for Arthur, Lord Forbes.

Fol. 39, a.

Act of caution by Sir William Forbes of Craigievar, knight baronet, for Sir George Johnston of Caskieben, that he will observe the Acts of Parliament for maintaining peace by the heads of clans, etc., as above; with clause of relief. (Signed) S. G. JONSTON of y^d^ Ilk. S. W. FORBES. cationer. Edinburgh, 2nd February 1635. Caution by Sir William Forbes of Craigievar for Sir George Johnston of Caskiben.

Acta, June 1634-April 1636. Fol. 53, b.

Sederunt—St. Andrewes; Glasgow; Mairshell; Mar; Murrey; Wigtoun; Gallouay; Lauderdaill; Dumfreis; Tracquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Alexander; Lord Naper; Clerk Register; Advocate; Justice Clerk. Edinburgh, 3rd February 1635.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R.—Right reverend father in God, our right trustie and weilbelovit counseller, right trustie and weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas we did formerlie write to yow that yow sould take into your consideration the fraude used by sellers of plaiding in presenting thairof to mercat in hard rollis, whereby under trust they deceave the buyers, and now understanding that upon good considerations yow have Letter from his Majesty requiring that plaiding be henceforth sold in open folds and not in hard rolls.

delayed the commissioners of our free burrowes who did prosecute the rectifeing of the same before yow till Januar nixt; it is our pleasure that at the said time after a dew tryell of the abuse yow caus suche ane order to be speedilie takin and punctuallie keeped that the said commoditie be sold at all time heereafter in opin folds, exposing it to the full view of the buyer. So expecting all possible expedition heerin for the speedie dispatche of these commissioners of our burrowes who sall attend the same, we bid yow farewell. Frome our court at Whitehall, the last of December, 1634. Quhilk missive being read, heard and considderit be the saids Lords, they continew the advising of the mater and the reports givin in be the commissioners for the burrowes and gentrie anent the fraude foresaid used in presenting of plaiding to mercats in hard rollis and anent the prejudice susteanned by the sellers in the mettage of thair plaiding be the commoun metsters, till this day aucht dayes." Acta, June 1634-April 1636. Fol. 54, a.

Appointment of commission anent the taxation.

"The Lords of Secreit Counsell gives full power and commissioun be thir presents to Johne, Earle of Lauderdaill, Johne, Earle of Tracquair, Williame, Lord Alexander, Sir Johne Hay, Clerk of Register, Sir Thomas Hop, his Majesteis Advocat, and Sir James Carmichell, Justice Clerk, or anie three of thame, the said Erle of Tracquair being one, to conveene at suche times and places as the said Earle sall appoint, and to review, examine and collation the booke, rollis and charge of the taxatioun of threttie schillings money upon the pund land grantit to his Majestie be his Estats in the moneth of Junij, 1633, and of the taxatioun of ten shillings upon the pund land grantit to the senators of the Colledge of Justice, and after perusall of the saids rollis to summe and compare thame with the charge of former taxations and to report the same to the saids Lords."

Noblemen and others to find caution anent the disorders in the North.

"The Lords of Secreit Counsell ordains and commands the noblemen and barons who wer cited to compeir before the Counsell anent the disorders in the North and ar presentlie in toun to find caution for observing the Acts of Parliament made anent landslords and chiftans of clans betuix and Thursday nixt."

Edinburgh, 4th February 1635.

Caution by John Grant, apparent of Ballindallach, for William M'Intosh of Kyllachie.

Act of caution by John Grant, apparent of Ballindallach, for William M°Intoshe of Kyllachie, and by the said William M°Intosche for the said John Grant, that they will observe the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as *ante*, p. 477; with clause of relief. (Signed) JOHNE GRANT; WM. M°INTOSCHIE. Acta penes Marchiarum, etc., 1587-1636. Fol. 39, b.

Similar act of caution by Thomas Erskine of Pittodrie for George Baird of Auchmeddin.

Similar act of caution by Thomas Erskine of Pittodrie for George Baird of Auchmeddine and by the said George Baird for the said Thomas Arskine; with clause of relief. (Signed) T. ERSKYNE; GEORG BAIRD. Fol. 40, a.

Mutual caution by Sir William

Similar act of caution by Sir William Forbes of Monymusk for George Gordon of Newton, and by the said George Gordon for the said Sir Fol. 40, b.

Acta penes Marchiarum, etc., 1587-1636. Fol. 40, b.

William Forbes; with clause of relief. (Signed) MONYMUSK, G. GORDONE of NEVTON. Forbes of Monymusk and George Gordon of Newton.

Acta, June 1634-April 1636. Fol. 54, a.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Mairshell; Mar; Murrey; Gallouay; Wigtoun; Dumfreis; Tracquair; Bishop of Dumblane; Lord Alexander; Lord Naper; Clerk Register; Advocate; Justice Clerk. Edinburgh, 5th February 1635.

"The Lords of Secreit Counsell continewes the advising of the processe anent the lordship of Torphichin till the nynetene of Marche nixt, of the quhilk continuatioun the Lord Torphichin and his Majesteis Advocat ar warned *apud acta*." The Lordship of Torphichen.

Fol. 54 b.

"Forsameekle as the Lords of Secreit Counsell, upon verie good considerations importing the peace and quyet of the countrie, hes givin order and direction that the Earle of Antrim his sounes nor nane of the name of Clandonnald nor no others to thair behove sall apprehend possession of the lands of Kintyre and Jura nor of the hous of Camloch in Cameltoun till his Majesteis pleasure be knowne, so it is verie expedient for the considerations foresaids that the said Erle nor his sone nor thair bailleis in thair names sall in no wayes be acknowledged within the saids bounds nor allowed to hald courts within the same; and for this effect the saids Lords ordains letters to be direct to command, charge and inhibite the said Earle of Antrim, Lord Dinluce, his sone, and all others constitute or to be constitute bailleis be thame that they in no wayes presoome nor take upon hand to hald anie courts within the bounds foresaids and that nane of thame presoome to accept commissions of baillerie frome thame to that effect under the pane of his Majesteis high displeasure and indignatioun; and siclyke to command, charge and inhibite all and sindrie the inhabitants of Kintyre and others his Majesteis subjects be opin proclamation at all places neidfull that nane of thame presoome nor take upon hand to compeir or answer nor to give sute and presence, persew or defend in anie courts to be proclamed, appointed or affixt to be haldin in Kintyre or Jura be the said Earle, his sone, bailleis or anie in thair names till his Majesteis further pleasure be knowne, certifeing thame that sall failyie and doe in the contrare heirof that they sall be callit to thair answer and persewed accordinglie." Ordinance forbidding the Earl of Antrim from taking possession of the lands of Cantyre, etc.

"The whilk day Johne Nicoll, younger, sone to Johne Nicoll, writter to to his Majesteis Signet, compeirand personallie before the Lords of his Majesteis Privie Counsell, and being demanded if he had givin out anie extract of the instrument whereunto he wes notar of the seasing givin to the Lord of Dinluce of the lordship of Kintyre, he depouned and declared that he had givin out no extract of the said seasing bot ane short minute bearing the day of the said seasing and witnesses present thereat; quhilk declaration being heard and consideritt be the saids Lords and they advised therewith, the Lords of Secreit Counsell com- Ordinance, in accordance with a warrant from his Majesty, forbidding John Nicol, younger, to take sasine of the lands of Cantyre in favour of the Lord of Dunluce, son of the Earl of Antrim.

mands and ordains the said Johne Nicoll, who wes personallie present, that he in no wayes presoome to booke nor insert in his register nor to extract, give out nor to extend ane instrument of seasing of the said lordship in favors of the said Lord of Dunluce nor to offer or caus the same be offered to the register as he will answer upon the contrarie at his perrell. Lykeas the said Johne, being personallie present, promeist to give obedience to the saids Lords thair commandement in this mater. Followes his Majesteis missive in the mater abonewrittin:—CHARLES R. —Right reverend father in God, right trustie and weilbelovit cousins and counsellers, right trustie and trustie and weilbelovit counsellers, we greit yow weil. We receaved your letter whereby we perceave you have givin order to stop all proceedings in the bargane concerning the sale of Kintyre to the Earle of Antrim or the Lord Dinluce, his sone, for the which we give yow heartie thankes, acknowledging the same to be good service done to us, tuicheing which purpose we had of late by our letter signified our pleasure to the Earle of Tracquair to be imparted to our Exchecker, whiche apparentlie came not to his hands at the writting of your letter to us. We are heirby pleased for the considerations mentiouned therein, whairof we have beene pleased to take particular notice, speciallie to recommend unto yow that, if the Lord Kintyre hath done anie thing contrare to our royall intention heerin, that yow use your best endeavoures to make it ineffectuall and that yow lykewayes prevent anie interest or possession the said Earle his sone or anie of that name may have in these lands by whatsomever maner of way, and to that effect that yow give suche order as yow to that purpose sall thinke fitt to prescribe, and in the meanetime that yow signifie our pleasure heerin to our Exchecker that they give way to nothing contrarie to this our intention unlesse we sall be pleased to give further order thereanent; for whiche these presents sall be unto yow and thame sufficient warrand. We bid you heartilie farewell. From our court at Whitehall, 28 Januar, 1635."

Acta, June 1634-April 1636. Fol. 54, b.

Fol. 55, a.

Charge to William, Earl of Erroll, and others to appear before the Council and find caution for their dependents keeping the peace in the Highlands.

"Forsamekle as the Lords of Secreit Counsell hes thought it meit and expedient for the better preserving of his Majesteis peace and restraining the misrule and insolenceis of the lawlesse and insolent persons in the Hielands that the haill landslords and chiftans of clans in the Hielands sall be putt under caution for making of thair men, tennents and servants, and suche as they aucht to answer for, obedient to the lawes and for redresse and satisfactioun of parteis skaithed, conforme to the acts of Parliament made thereanent, thairfoir the saids Lords ordains letters to be direct charging Williame, Erle of Erroll, George, Erle of Caithnes, Williame Lord Berridaill, Johne, Earle of Sutherland, Donnald, Lord Rees, James, Lord Ogilvie of Airlie, Johne, Earle of Mar, Johne, Earl of Perth, Johne, Earle of Atholl, Mungo, Vicount of Stormont, Williame, Erle of Airth, Patrik, Earle of Tullibardin, James Lord of Downe, McFarlane of Arrochar, Colquhoun of Lus, Walter McAwlay of

Fol. 55, b

Acts, June 1634-April 1636. Fol. 55, b.

Ardincaple, Archibald, Lord Naper of Merchinstoun, Halden of Glennegeis, Schaw of Knockhill, Schaw of Cambusmoir, the laird of Kippanros, Stirline of Keir, Sir Alexander Meinzeis of Weme, Sir Williame Stuart of Garnetullie, Robertsone of Strowane, Murrey of Strowane, Johne, Earle of Wems, Maxuell of Teling, Sir Patrik Ogilvie of Inchemartine, Thomas Fothringame of Powrie, Sir Johne Moncreiff of that Ilke, Toshoche of Cultibragane, Ogilvie of Clova, David Grahame of Fintrie, Lindsey of Edyell, McRannald of Glengarrie, Sutherland of Duffus, Mouat of Boquhallie, Sinclar of Dunbeth, Duncane Steuart of Appin, McCoull of Lorne, McCoull of Rara, Campbell of Lochinnell, Sir Robert Montgomrie of Skelmurelie, the Laird of Loup, Sir James Steuart, shireff of Bute, Bannatyne of Kames, Campbell of Achinbreck, Campbell of Ardkinlas, the Laird of McNauchtane, the Laird of McLauchlane, the Laird of Lamont, Campbell of Parbreck, the Laird of Duntrune, the Constable of Dundie, the Laird of Ellingreg, the Laird of Ottir, etc., to compeir personallie before the saids Lords upon the day of Junij nixt provided to find the said caution and souertie conforme to the saids acts of Parliament in all points under the pane of rebellion, etc., with certification, etc."

Baron of Achyle approved for preventing the Earl of Antrim from taking possession of the lands of Cantyre.

"The whilk day Stirline of Achyle, having reported to the Lords of Privie Counsell the letters and charges direct anent the stopping of the Earle of Antrim and his sone frome apprehending possessioun of the lands of Kintyre, and the saids Lords having heard the said Baron of Achyle at lenth thereanent, they allow of his diligence and proceedings according to the warrand of the saids letters."

John Cameron, son of Cameron of Lochiel, and Alaster M'Donald of Glencoe charged to find caution in accordance with the Act against Highland chieftains.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne Camroun, sone to Allane McEanduy of Lochyell, and Alaster McDonnald of Glencoe and actit, band and obleist thame-
Fol. 56, a. selffes to remaine and keepe waird in Edinburgh and twa miles about and not to depart till they find caution conforme to the acts of Parliament made aganis landslords and chiftans of clans, under the panes following, viz., the said Johne Camron under the pane of fyve thowsand merkes and the said Laird of Glenco under the pane of three thowsand merkes; and the said Johne Camron actit himselfe to find the said cautioun betuix and the last of this instant or otherwayes give his appearance whenever he sall be charged at the dwelling hous of the said Williame Chalmers under the said pane of fyve thowsand merkes."

Acta penes Marchiarum, etc., 1587-1636. Fol. 41, a.

Edinburgh, 5th February 1635. Mutual caution by John Forbes of Leslie and Arthur Forbes of Gicht.

Act of caution by John Forbes of Leslie for Arthur Forbes of Gyght, and by the said Arthur Forbes for the said John Forbes, that they will keep the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as *ante*, p. 477, with clause of relief. (Signed) A. FORBES of ECHT; J. FORBES of LESLIE.

Similar caution by Sir John Grant of Freuchie.

Similar act of caution by Sir John Grant of Frewchie for Sir Robert Innes of Bavenie; with clause of relief. (Signed) ROBERT INNES OF Baweni; S. J. GRANT, cationer. Acta penes, Marchiarum, etc., 1587-1636. Fol. 41, b.

Mutual caution by Sir Thomas Urquhart of Cromartie and John Campbell, fiar of Caddell.

Similar act of caution by Sir Thomas Urquhart of Cromartie for John Campbell, fiar of Caddell, and by the said John Campbell for the said Sir Thomas Urquhart; with clause of relief. (Signed) CROMERTIE; J. CAMPBELL, FIER of CALDER. Fol. 42, a.

Similar caution by George, Earl of Seaforth.

Similar act of caution by George, Earl of Seafort, for Sir John Grant of Frewchie, knight; with clause of relief. (Signed) S. J. GRANT; SEAFORT, cationer. Fol. 42, b.

Similar caution by George, Earl of Seaforth.

Similar act of caution by George, Earl of Seafort, for Hew, Lord Fraser of Lowatt; with clause of relief. (Signed) LOUATT; SEAFORT, cationer. Fol. 43, a.

Similar caution by Hew, Lord Fraser of Lovat.

Similar act of caution by Hew, Lord Fraser of Lowat, for David Ros of Ballangowne; with clause of relief, in which Sir Thomas Urquhart of Cromartie, as one of the curators of the said David Ros, joins. (Signed) DAVID ROSS; LOUATT, catiner; Cromertie consentis. Fol. 43, b.

Edinburgh, 5th February 1635.

Charge to chieftains and landlords.

"Chargeis aganis landslords and chiftans of clans for thair compeirance upon the xvij of Marche to find caution conforme to the lawes." Sederunts, January-1635 November 1643. Fol. 2, a.

Edinburgh, 9th February 1635.

Caution by Alexander Forbes of Boyndie for Alexander, Lord Pitsligo.

Act of caution by Alexander Forbes of Boyndie for Alexander, Lord Pitsligo, that he will observe the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as *ante*, p. 477; with clause of relief. (Signed) PETSLIGO; ALEXR. FORBES, cationer. Acta penes, Marchiarum, etc., 1587-1636. Fol. 44, a.

Similar caution by Hew, Lord Fraser of Lovat.

Similar act of caution by Hew, Lord Fraser of Lovat, for Thomas Fraser of Streachin, Thomas Fraser of Strowy, and William Fraser of Drumchardeny, with clause of relief. (Signed) LOUATT, cationer; T. STRACHINE; THOMAS FRASER OF STROWY; W. FRASER OF DRUCHARDEINE. Fol. 44, b.

Edinburgh, 10th February 1635.

Charge to Patrick, Archbishop of Glasgow, and others anent the plaiding.

Sederunt—St. Andrewes; Glasgow; Mairshell; Mar; Murrey; Wigtoun; Gallouay; Dumfreis; Tracquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Melvill; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk. Acta, June 1634-April 1636. Fol. 56, a.

"The Lords of Secreit Counsell ordains and commands Patrik, Archbishop of Glasgow, Johne, Erle of Tracquair, and Archibald, Lord Naper, to revise and consider the reports givin in be the commissioners for the barons and burrowes in the North tuicheing the abuses in presenting of plaiding to mercats in rollis and anent the mettage thairof, and, upon conference with the barons and burrowes, to foresee and resolve upon the best course how the plaiding being presented to the mercat in folds may be preserved frome spoyle by the injurie of the weather and to report to the saids Lords what they find therein."

Charge to John Gordon of Carnefield

"The whilk day Johne Gordoun of Carnefeild, compeirand personallie before the Lords of Secreit Counsell for obedience of the caution found

Acts, June 1634-April 1636. Fol. 56, a.

be him to that effect, the saids Lords ordains him to attend the committee appointed for examination of informers anent the disorders in the North and not to remove till he be warranted be the saids Lords." anent the disorders in the North.

"Anent the supplication presented to the Lords of Secreit Counsell be Johne Gordoun of Buckie, makand mentioun that where at his last appearance before the saids Lords he wes ordained to find cautioun for his compeirance upon the thrid of this instant to underly thair pleasure anent the disorders in the North, quhilk dyet he wes fullie resolved to keepe, bot the storme is so greate that nane can travell on hors or foote and the supplicant is aged and weake and become verie sickelie since his last appearance before the saids Lords and without the hazard of his life darre not adventure to travell till the storme breake, as ane testimoniall under the hand of Mr John Logie, minister, beiris, humbelie desyring thairfoir the saids Lords to continew the dyet of his appearance till some convenient day after the storme breake; lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell continewes the dyet of the said supplicant his appearance till the first counsell day of Marche nixt, the said supplicant finding caution for his compeirance that day under the pane of three thowsand merkes." Supplication by John Gordon of Buckie that his appearance before the Council anent the disorders in the North may be postponed.

Fol. 56, b.

"Forsamekle as the slaying, selling and eating of fleshe in time of Lent hes beene, upon verie good respects and considerations, by diverse acts of Parliament and Secreit Counsell straitlie prohibite and forbiddin within this kingdome under certane panes mentiouned and conteanit in the same acts, nevertheles the Lords of Secreit Counsell ar informed that diverse persons of all rankes and qualiteis, preferring thair awne privat contentment to the obedience of the law, ceasses not in time of Lent to slay, sell and eate flesh at thair pleasure, to the great hurt of the commoun weale and contempt of all good order and governement. And, whereas the persons offending in this kynde presoomes of oversight and impunitie be reasoun of the connivence alledged shawin to thame in tyme bygane, quhilk is ane inducement to thame to continew in thair wilfull contempt and breake of the law, thairfoir the Lords of Secreit Counsell hes resolved that with all rigour and extremitie they will execute the law aganis all suche persons as darre heerafter presoome to violat the same in this point; and thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects, of what estait, qualitie and degree soever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, that nane of thame presoome nor take upon hand during this forbiddin time of Lent to eate or make ready for eating anie kynde of flesh under the panes following to be uplifted of everie person contraveening so oft as they failyie; that is to say, of everie erle ane hundreth punds, of everie lord ane hundreth merkes, of everie baron fourtie punds, Proclamation against the selling and eating of any kind of flesh in time of Lent.

of everie burges, oastler and commoun cooke that sellis meate and drinke fourtie punds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed; as alsua that no fleshers presoome nor take upon hand to sell nor slay fleshe during the time foresaid of Lent under the pane of fourtie punds so oft as they failyie; and by and attour the payment of the pecuniall soumes foresaids the offenders sall be punished in thair persons at the discretioun of his Majesteis Counsell. And siclyke to command and charge all and sindrie shireffs, stewarts, provests and bailleis within burgh and all others bearing anie publict office and charge within the kingdome that they and everie ane of thame within the bounds of thair severall offices and jurisdictions have a speciall care and regarde to see this present act observed in everie point, and where they sall happin to discover anie person or persons contraveening thir presents that they take notice of thair names and informe his Majesteis Counsell thairof to the intent the offenders may be callit to thair ansuer and punished accordinglie." Acts, June 1634-April 1634. Fol. 56, b. Fol. 57, a.

Licence to the Lords of Council, Session, and Exchequer to eat flesh in time of Lent.

" Charles, be the grace of God king of Great Britain, France and Ireland, defender of the faith, to all and sindrie our lieges and subjects whome it effeiris to whois knowledge this our letters sall come, greeting. Forsameekle as we have given and grantit and be the tennour heirof gives and grants libertie and licence to the Lords of our Privie Counsell, Session and Excheker, and to suche as sall accompanie thame at table, to eate flesh during this forbiddin time of Lent and upon Wednisday, Fryday and Saturday for the space of ane yeere nixt after the dait heirof, without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding quhatsomever acts and proclamatiouns made in the contrair, whereanent and all panes conteanit therein we dispense be thir presents, discharging heirby our Justice, our Advocat and Justice Clerk, and all others our judges, officers and ministers of our lawes of all calling, accusing or anie wayes proceeding aganis the saids Lords of our Privie Counsell, Sessioun and Exchecker and persons accompanying thame at table, as said is, or anie of thame for the caus foresaid, discharging thame thairof and of thair offices in that part *simpliciter* be thir presents. Givin under our signet at Edinburgh, the tent day of Februar and of our raigne the tent yeere, 1635. *Sic subscribitur*, Sanctandrows, *Cancellarius*; Glasgow; Mar; Gallouay; Alexander; Ja: Carmichell."

Edinburgh, 12th February 1635.

Sederunt—Chancellor; Mar; Murrey; Wigtoun; Gallouay; Tracquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Melvill; Lord Naper; Master of Elphinston; Clerk Register; Lord Alexander; Advocate; Justice Clerk.

Sir Lewis

" The whilk day, in presence of the Lords of Secreit Counsell, compeired Fol. 57, b.

Acts, June 1634-April 1636. Fol. 57, b.

personallie Sir Leues Lawder, knight, sone-in-law to umquhill Sir Archibald Achesone, late Secretar of this kingdome, for obedience of the charge givin unto him for exhibition before the saids Lords of the signets, writts and warrands concerning the office of Secretary quhilks wer in the said Sir Archibald his keeping and possessioun the time of his deceasse, and brought, presented and exhibite before the saids Lords twa signets in gold and ane signet in silver togidder with foure keyes of foure presses quherin, as he affirmed, the haill writts and warrands concerning the office of Secretarie ar keeped, and declared upon his oath that the presses wer never opened since Sir Archibald his deceasse except onelie at one occasioun for seeking out of ane bill of suspensioun at the instance of Agnes Keith, relict of umquhill Mr Alexander Keith, person of Duffus, and George Gordon of Tillichowdie, her spous, aganis Margaret and Annas Keiths, daughters to the said umquhill Mr Alexander. Quhilk bill wes also produced and exhibite be the said Sir Leues; lykeas the saids signets, bill and keyes wer judiciallie givin up to the Lord Alexander in name of the Earle of Stirline, his Majesteis Secretar for this kingdome. In respect of the quhilk productioun and delyverie made, as said is, the saids Lords exoners and discharges the said Sir Lues and the airs and executours of the said umquhill Sir Archibald of the saids signets and keyes of the presses wherein the saids writts ar alledged to be and declares thame free thairof and of all danger that may incurre therethrow in tyme comming."

Lauder presents to the Council two signets in gold, etc., which were in possession of the late Sir Archibald Acheson, Secretary of State.

Decreta, November 1633-April 1635. Fol. 193, b.

[Sederunt as recorded above, omitting Lord Alexander.]

Edinburgh, 12th February 1635.

Complaint by Arthur, Lord Forbes, and John Alshonner in Bogheid, Patrick Alshoner, his son, John Knight there, and John Scot in Oldharthill, servants to the said Lord Forbes, with Sir Thomas Hope, his Majesty's Advocate, as follows:—Although the carrying of hagbuts and pistols and convocation of the lieges in arms is strictly prohibited by law, yet, on 13th October last, being Sunday, Adam Abercrombie of Aldrayne, John Lobane, Alexander Scattertie, and Gauld, his servants, Fol. 194, a. Alexander Leslie in Pethnick, James and Adam Gordoun, sons of George Gordoun in Logiealtoun, Alexander Leslie in Tocher, and others, many of whom are his Majesty's rebels for the crimes of murder, slaughter, and adultery, and some excommunicated, all armed with swords, halberts, staves, hagbuts and pistolets, came under silence of night to the dwelling houses of Lord Forbes's servants, broke up the doors and cruelly pursued the said servants for their lives, stogged the beds of the houses with their swords, struck at the women with their pistols and hagbuts, put violent hands upon the said Patrick Alshonner, and without any lawful authority carried him away captive; and the said Adam and his accomplices daily carry these forbidden weapons, going and riding therewith in all parts of the country and threatening all the lieges against whom they bear any

Complaint by Arthur, Lord Forbes, and certain of his servants against Adam Abercrombie of Aldrayne and others for assault.

grudge. Charge having been given to the said Adam Abercrombie of Aldrayne, John Lobane, Alexander Scattertie, Alexander Leslie in Tocher, and Robert Dempster, Logiealtoun, as parties, also Willlam Leslie of Ryhill, John Leslie and Andrew Peirie at the Mill of Wasthall, George Mathesone at the Mill of Raine, and Abercrombie, younger, of Birkinboig, as witnesses, and the pursuer compearing personally but none of the defenders nor witnesses, the Lords ordain officers of arms to denounce the said defenders and witnesses his Majesty's rebels. Decrets, November 1633-April 1635. Fol. 194, a.

Complaint by John, Earl of Cassillis, against Sir Patrick Agnew of Lochnaw, Sheriff of Wigtown, who, contrary to his caution to keep the peace with the complainer, has incited his son and others to assault the said complainer's tenant, John Kennedy of Knockdaw.

Complaint by John, Earl of Cassills, and Sir Thomas Hope of Craighall, knight baronet, King's Advocate, as follows:—On 30th July, 1628, John Hannay of Sorbie and the deceased Andrew Hannay, apparent of Sorbie, his son, appeared before their Lordships and became cautioners in 10,000 merks that Sir Patrick Agnew of Lochnaw, sheriff of Wigtoun, would keep the peace with the said Earl and not molest him nor any of his tenants, servants nor dependents, and the said Sir Patrick obliged himself to relieve his said cautioners; yet, on 26th December John Kennedie of Knokda, tenant of the said Earl in the lands of , having occasion to go to the town of Stranrawer to buy a plough beam, having with him John McAbler, a ploughwright, and being perceived there by James Agnew, son of the said Sir Patrick living in household with his father, and for whom his father must answer, before he had time to enter a house for this purpose, the said James came off the Hie Street toward the said tenant, and "most disgracefullie toukit him and almost dang him to the ground. Wherwith the said John, having patiently comported and haveing onelie tauld the said James that the way wes broad eneugh and that he might go by, he disdainefullie bade the said John kisse his ers, and with that he drew his suord and cruellie invadit the said John of his lyffe, who, preferring his obedience to his Majesteis peace to his awne passion and privat revenge, he left the said James and went to ane litle hous hard by, thinkeing thairby to have eshewed farder trouble. Bot the said James continowing in his bloodie resolution to have the said John Kennedie his lyffe, he drew unto himselfe Patrick Agnew, who is lykewayes in houshold with his father oneforisfamiliat, and Patrick Agnew of Arreis and Alexander Agnew of Tung, and came verie furiouslie to the litle hous where the Earles tenent wes and provokit him with many outragious speeches to come furthe, calling him 'Debosht knave' and bidding him come furth, if he durst, for his hanging, and threatened to brashe and ding up the doores of the hous. And the said John Kennedie, feiring that the litle hous wherein he wes could be no saiftie for him, he resolved to have fled from that hous to a more sure hous in the toun; quhilk being forseene be the persons forsaids, who were standing about the hous with thair drawin swords in thair hands, how soone the said John preist to come furth they cryed one to ane ane other, 'Come behind him and about him and make him sure,' and with that they shamefullie persewed him of his lyffe, gave out a nomber of Fol. 194, b. Fol. 195, a.

Decreta, November 1633-April 1635. Fol. 195, a.

straiks at him and gave him a cruell stroke on the shoulder quhilk had killed him if it had not lighted on his coat, quhilk wes of Yrish mantle. And the said Sir Patrick being hard by himselfe all this tyme, attending the event of this bussines, accompanied with Ouchtrid Agnew of Galdinoch, William Agnew of Creoch, Ninian Agnew of the Tron, with a nomber of others thair complices, all boddin in feare of warre, came furiouslie upon the said Earles tenent and resolved to have ended that quhilk his sones had begune; to witt, to have tane the said John Kennedies lyffe, quhilk they had not failed to have done were not the provest and baillies of the burgh conveened the bodie of the toun and releived the said John frome the personis that persewed him. Lykeas upon the 18 day of November last the said Sir Patrick sent the said Patrick, his sone, to the Meikle Larg where Fergus Lin in Larg dwells, to take frome him by faire play or foule ane mairt perteaning to his Majestie quhilk Gilbert Mure, messinger, had lawfullie tane up to his Majesties use, and threatned to cast doune ane ree where the said mairt with the rest of the said Fergus his drift wes, bot, being stayed be the said Fergus, the said Patrick sent to his said father for more helpe, who immediatlie sent the said James, his sone, with six others boddin in feare of warre with swords, hacquebuts, pistolets and others wapons invasive to assist the said Patrick, his sone, and how soone the said James came to the said Patrick he tooke a pistoll frome his belt purposelie to have [slain] the said Fergus there-
Fol. 195, b. with, quhilk he had not failed to have done, were not he wes stayed be William McDonell in Clenneries and some others present for the tyme," the said Fergus being man and servant to the said Earl. The pursuers compearing personally and also the said Sir Patrick Agnew as defender, and they and their witnesses having been heard, the Lords considering the depositions "concerning the said Sir Patrick his cariage and the cariage of the said John Kennedie of Knockda by his provocation of the said Sir Patrick, his sones," find nothing proven against the said Sir Patrick to infer a contravention against him of the said Act of lawburrows, and accordingly assoilzie him.

Fol. 196, a. Counter complaint by his Majesty's Advocate, and Sir Patrick Agnew of Lochnaw, as follows:—On 22nd July, 1628, as aforesaid, John, Earl of Cassilis, and the said Sir Patrick were placed by their Lordships under caution of lawburrows, and both were ordained not to leave the town until they had done so. Sir Patrick obeyed and found caution, but the said Earl disregarded the Council's ordinance and passed home without finding caution, and has no intention of doing so; and Sir Patrick bore with this, being unwilling to bring the said Earl to a new hearing, and believing that their Lordships' decree for his finding caution would suffice to secure the infliction of the penalty in the event of the Earl's violation of the lawburrows. On 20th December last John Kennedie of Knokda, man and tenant to the said Earl of Cassillis, came at the said Earl's instigation to the town of Stranrawer,

Counter complaint by Sir Patrick Agnew of Lochnaw, against the Earl of Cassillis whose tenant, John Kennedy of Knockdaw, he accuses of assault on his son.

"armed with a mealzie coat, plait sleives, sword and batton in his hand of purpose to have funde the said Sir Patrick or some of his bairnes in the toune to have done thame some affront; and he perceaving James Agnew, sone to the said Sir Patrick, walking to the hous of , the said John preast to have come betuix the said James and the hous and to have persewed him of his lyffe; bot, being impedit be some persons present for the tyme, he disdainefullie cryed, 'I have done a worse turne nor lay a battoun on your head.' Bot the said John Kennedie, perceaving the said James walkeing throw the streit, he came out of the hous of with a drawin suord in his hand and verie hardlie persewed the same James of his lyffe and had not failled to have slaine him, were not his awne better defence. And the cry being risen in the toun that the said James wes persewed of his lyffe be the said John, Patrick Agnew, brother to the said James, came furth to have seene what the mater meanit; bot, how soone the said John saw him, he feircelie persewit him of his lyffe, strake and woundit him on the right hand, quhereof he is like to be mutilat. Informatioun of the quhilk disorder being brought to the said Sir Patrick, who wes present in the toun, he as judge in the countrey came furth of his ludgeing and commanded his Majesties peace to be keeped. And the said John Kennedie, not content heirwith, upon the morne thairafter, being Sunday, the said John convocat togidder the haill gentlemen of the parishes of Lesuade and Inshe of Gallouay, being tenents and followers to the Earle of Cassills, all boddin in feare of warre with swords, stalves, lances, and in hostile maner came to the said Sir Patrick his parish kirk resolved to have debarred him from the kirk, were not thair furie wes appeased be some gentlemen." And thus the said Earle has violated his band of lawburrows and ought to be decerned to have incurred the penalty thereof. Both pursuer and defender compearing and they and their witnesses having been heard, the Lords find nothing proven against the said Earl to infer a breach of the said act, and therefore assoilzie him.

Decreta November 1633-April 1635. Fol. 196, b.

Fol. 197, a.

Edinburgh, 17th February 1635.

Sederunt—St. Andrewes; Privy Seal; Mairshell; Mar; Murrey; Wigtoun; Gallouay; Lauderdaill; Tracquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Alexander; Lord Melvill; Lord Naper; Clerk Register; Advocate; Justice Clerk.

Acta June 1634-April 1636. Fol. 57, b.

Proclamation prohibiting the importation and circulation of certain foreign copper coins.

"Forsamekle as it is understand to the Lords of Privie Counsell that of late there hes beene a great quantitie of false and counterfoote copper coyne brought within this kingdome in the speces of turnours and farthings quhilks wer formerlie discharged to have course by act of Counsell of the dait the tenth of November, 1631, as also there is sindrie others speces of forrane copper coyne brought in and vented within this kingdome suche as Holland doyts, doubles and suche other

Acta, June 1634-April 1636. Fol. 58, a.

kynde of trashe unlawfull to have course and never allowed nor tolerat within this kingdome at anie time heirtofore; and whereas it is ane great disgrace to his Majesteis governement, ane contempt of his royall auctoritie and scandall to the kingdome and great hurt to the subjects that this false and counterfoote copper coyne, the farthing tokins formerlie discharged or anie other forrane base copper coyne, sould have anie course or passage within the kingdome; and the saids Lords being carefull to obviat and prevent the forder grouth and incomming of this base copper coyne and that the same be fullie restrained and discharged, the saids Lords for this effect hes thought meit and expedient, concluded and ordained that there sall be ane full restraint of importatioun of ane suche copper coyne be sea or land within this kingdome at any time heerafter and that the course thairof sall be altogidder discharged. And thairfoir the saids Lords ordains letters to be direct to heraulds, maissers, pursevants and officers of armes, charging thame to pas to the mercat croces of the heid burrowes of this kingdome and others places neidfull and there be opin proclamatioun to command, charge and inhibite all and sindrie persons of quhatsomever ranke and qualitie, als weill natives as strangers, that nane of thame presoome nor take upon hand at anie time after the publicatioun heirof to bring in within this kingdome be sea or land or to vent and putt out anie of this false copper coyne, the farthing tokens formerlie discharged, as said is, or anie other forrane base copper coyne of quhatsomever kynde or speces the same be of, to have course and passage within the same, under the pane of confiscation of the said base copper coyne to his Majesteis use, besides the punishement of the contraveenners in thair persons and goods at the arbitrement of his Majesteis Counsell; and siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand to receave in wisselling, exchange, buying or selling, or to vent and putt out anie of this false copper coyne, farthing tokens or anie other forrane base copper coyne under quhatsomever cullour or pretence, under the pane of confiscatioun of the same to his Majesteis use, besides the incurring of his Majesteis high displeasure and punishement of thame in thair persons at the arbitrement of his Majesteis Counsell, after consideratioun had be thame of the nature and qualitie of thair offence. And for the better executioun heirof the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to all and

Fol. 58, b.

sindrie his Majesteis judges, officers and magistrats, and all ministers of his Majesteis lawes to burgh and land, ilke ane of thame within the bounds of thair offices and jurisdictions, to make diligent inquyrie and searche where and by whome this false copper coyne hes beene or sall be imported and outted among his Majesteis subjects and to apprehend the persons guiltie and to committ thame to

waird or otherwayes to exhibite thame before his Majesteis Counsell; with power alsua to thame to meddle and intromett with the said false counterfoote copper coyne and to exhibite the same to his Majesteis Counsell; commanding also all the saids magistrats to burgh and land to concurre, fortifie and assist all and everie suche person or persons unto whome the saids Lords of Privie Counsell hes givin warrand and commissioun for searching and apprehending of all delinquents in this kynde, and that everie one of the saids judges, officers and magistrats within thair severall bounds, limits and jurisdictions, have a speciall care to see this present act and ordinance observed and keeped, as they and everie ane of thame will ansuer to his Majestie and his Counsell upon the dewtifull discharge of thair offices. And beside and attour the pane and punishement foresaid appointed and sett doun aganis the imbringers, venters and outputters of this false and counterfoote copper coyne, the saids Lords declares that the forgers and counterfootters of the same sall be punished be death conforme to the lawes alreadie made anent false coyne. And to the intent that this false coyne may be the better discerned and knowne and that all pretext of excuse be tane away frome suche as sall receave vent, and out thame, the saids Lords hes ordained and ordains some few nomber of thame to be sent to the burrowes as a paterne quherby they may be knowne." Acta, June 1634-April 1636. Fol. 58, b.

Commission to landlords in the Highlands to pursue broken men with fire and sword.

"Forsamekle as it is understand to the Lords of Privie Counsell that there is a nomber of the disordered and brokin lymmars of the Hielands that of late hes brokin louse and in troupes and companeis hes come doun to the incountrie and to othèrs parts and bounds nixt adjacent to the Hielands where they have committed cruell and barbarous murders and slaughters and manie stouthreaffes, heirships, oppressions and depredations upon his Majesteis peaceable and good subjects dwelling in the incountrie, and they ar the farther encouraged to continew in thair lawlesse and insolent doings be reasoun that the landslords in whois bounds thir insolenceis ar committed pretends excuse anent the not following and persewing of thame throw default of speciall commissions not grantit and givin to thame for that effect; and whereas now manie of the landslords ar putt under caution for making of thair men, tennents and servants and suche others as by the law they must be comptable for, obedient to law and justice, and it being verie necessar for the peace of the countrie and the better suppressing of thir brokin lymmars that the saids landslords be armed with power and commissioun to follow and persew thame with fire and sword; for quhilk purpose the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to the saids landslords and to thair bailleis, for whome they sall be answerable, to convocat his Majesteis lieges in armes and to pas, searche, seeke, hunt, follow and persew with how and cry all and sindrie theeves, sorners and maisterlesse persons, committers of murther, slaughter, fire-raising, reaffe, thift and oppression Fol. 59, a.

Acta, June 1634-April 1636. Fol. 59, a.

within thair bounds, and all ydle and maisterlesse men wanting lawfull and sufficient testimonialls of thair birth, residence and trade of life wheresoever and in quhatsomever parts they may be apprehended, and to take and apprehend thame and to present and exhibite thame to the shireffs of the shire and others judges ordinar nixt adjacent to underly thair tryell. And for the better execution of this commissioun, with power to the saids commissioners and the persons that sall accompanie thame therein to beir, weir and use hacquebuts and pistolets in the execution of the same commission allanerlie and no other wayes, and with speciall provision that they doe not weir nor use thame aganis nane of his Majesteis lawfull and good subjects. And if thir brokin lymmars and vagabounds for eshewing of apprehensioun sall flee to strenths and houses, with power to follow and persew thame, assiege the saids strenths and houses, raise fire and use all kynde of force and warlike ingyne that can be had for wining thairof and apprehending the lymmars being therein; and if in persute of the saids lymmars or assieging the saids strenths and houses there sall happin slaughter, mutilation or anie other inconvenient quhatsomever to fall out, the saids Lords declares that the same sall not be impute as crime nor offence to the saids commissioners or the persons assisting thame in executioun of this commissioun, exonering and releeving thame of all pane, crime, skaith or danger that they or anie of thame may incurre therethrow for ever. And forder, the saids Lords declares that in quhatsomever bounds the saids commissioners or thair servants sall deprehend anie stollin goods that the maister of the ground and bounds sall ather caus restore the goods to the awners with the interest and damage, or otherwayes that they sall be haldin to exhibite the stealers or the persons with whome the stollin goods sall be deprehended before his Majesteis Counsell or Justice to underly thair tryell and punishement. And ordains letters to be direct to make publication heirof at all places neidfull and to command and charge all his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the executioun of this commission and to doe nor attempt nothing to the hinder nor prejudice thairof, as they and everie ane of thame will ansuer upon the contrare at thair perrell. And the saids Lords declares that they have grantit this commissioun wifh this speciall provision and expresse command to the saids commissioners that they once everie quarter of ane yeere certifie his Majesteis Counsell of thair proceedings, otherwayes this commissioun to be null."

Fol. 59, b.

Decreta, November 1633-April 1635. Fol. 197, a.

[Sederunt as recorded above.]

Edinburgh, 17th February 1635.

Complaint by

Complaint by Alexander, Earl of Galloway,[1] as follows:—Alexander

[1] At the foot it is noted. 'This Act is wrong daited for it sould be . . . " [and the rest is out away].

Alexander, Earl of Galloway, against Alexander M'Kie, burgess of Wigtown, anent certain defamatory speeches used by the said Alexander against the complainer.

McKie, burgess of Wigtoun, in the presence of certain honest and famous persons, publicly uttered certain reproachful and disgraceful speeches against the said Earl, closely affecting his honour and credit and the dignity of that place to which his Majesty has been pleased to advance him as a Privy Councillor. The Earl, having cited him to answer thereupon before the Council, McKie, fearing the event of his trial, wrote a letter dated 19th December, 1633, acknowledging that the Earl had most justly complained of him and that he deserved to be severely punished, and therefore he placed himself in the Earl's will to abide by his own sentence against him under a penalty of 600 merks. Hereupon the Earl adjudged him to "enter in the stocke of the burgh of Wigtoune upon the 4 day of August and to ly thair with sackcloth on him at the mercat croce frome nyne of the clocke in the morning till tuelve; and upon Sunday nixt following he sould come to the kirk doore of the burgh of Wigtoune and in sackclothe stay at the doore, frome the ringing of the first bell till the thrid bell and after sermon that he sould come before the pulpit and acknawledge his forsaid fault in audience of the congregation; and upon the Sabboth thairafter that he sould pas to the parish kirk of Monyguff and doe the lyke." The said Earl charged him by a notary to obey this decree, but he plainly refused to do so, saying that he would rather pay the 600 merks. The pursuer compearing personally and the defender by Mr. John Gilmour, his procurator, this 17th of February, the said Mr. John declared that he had seen neither the summons, submission, decreet arbitral nor any other writs concerning this process, and he therefore desired that he might have inspection of these and a suitable day be appointed for answering. The Lords accordingly ordained these documents to be given to him and fixed 19th February for hearing. Upon which day parties again compearing as above, Mr John Gilmour objected that the sentence given by the said Earl was of the nature ecclesiastical, only proper to the Kirk, and could not therefore be imposed by him; and he therefore desired that the matter should be remitted either to the High Commission or some other Kirk judicatory. Which answer being taken by the Lords as a declinature of their jurisdiction, they repel the same and find themselves judges competent to this pursuit, and they ordain the defender to fulfil the sentence of the Earl in all the points thereof before 1st August next, failing which they decern him to have incurred the penalty of 600 merks—but supersede the giving out of letters for the recovery thereof till 1st August that they may know what obedience the defender has given in the meantime.

Decreta, November 1633-April 1635. Fol. 197, a.

Fol. 197, b.

Fol. 198, a.

Complaint by John Henderson, bailie of Rutherford, against William Mader, baker in Jedburgh, for assault.

Complaint by John Hendersone, bailie of Rutherfurde, as follows:— William Mader, baker in Jedburgh, having conceived a deadly hatred against him, resolved to have his life, and on November last lay in wait for him in the town of Jedburgh where the complainer was upon his lawful business. "About the evening, finding the honest man in ane

Fol. 198, b.

ecreta, ovember 33-April 35. ol. 198, b.

strait passage neir the tolbuith of Jedburgh and finding ane fitt occasion to putt in execution his bloodie resolution, he came behind the baillies backe and or ever he wes awar with ane great durke gave him ane cruell wound threttene inche deepe, quhilk peirced through his clothes and entered in beneth his left shoulder and come furthe above his left pape to the great effusion of his blood and perrell of his lyffe, quherthrow he hes ever since lyne under the cure of chirurgians in danger of his lyffe to his exceeding great expenses." The pursuer compearing but not the defender, the Lords after hearing witnesses find the complaint clearly proven against the defender and ordain him to be charged to enter into ward within the tolbooth of Edinburgh within six days, wherein, if he fail, he is to be put to the horn and escheated.

ederunta, anuary-1635 ovember 643. ol. 3, a.

"The Lords ordanis missives to be direct to magistrats of burrowes desiring thame to concurre with Lieutennent Colonell Hepburne and his captans and officers for apprehending of suche of thair souldiours as having willinglie enrolled thameselffes and takin pay sall disband and runne away, and upon tryell thairof to delyver thame backe to thair captans; and if anie persons within the yeeres of thair prentiship sall receave pay and thereafter be challenged be his master that the saids magistrats caus restitution to be made to the captans of the double what the prenteis has receaved if he be able to repay the same and that the prenteis be putt in the correction hous or otherways severelie punished for abusing both his maister and the captane and that no arreistment be layed upon anie souldiour that sall be putt in waird be thair captans if no diligence be done aganis them of before." Edinburgh, 17th February 1635. Charge to magistrates of burghs anent soldiers who have deserted the company of Lieutenant-Colonel Hepburn.

"A letter to the Secretare with a commissioun for the middle shires desiring his Majestie to signe the same without inserting that claus in the end thairof bearing the commission to indure ay and quhill it be discharged by a privie seale, in regarde that claus is contrarie to the commoun receaved order of the Chancellarie." The Middle Shires.

Acta, June 1634-April 1636. Fol. 59, b.

Sederunt—St. Andrewes; Glasgow; Murrey; Wigtoun; Gallouay; Lauderdaill; Tracquair; Bishop of Dumblane; Lord Alexander; Naper; Clerk Register; Advocate; Justice Clerk. Edinburgh, 19th February 1635.

"The Lords of Secreit Counsell ordains all licenses for eating of flesh whiche sall pas in Counsell and pay composition to be registrat for a charge to the Thesaurar and Deputie Thesaurar." The eating of flesh.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Archibald Steuart, servitour to the Earle of Antrim, and Mr Francis Hay, writter to our soverane lords signet, and Johne Nicoll, younger, sone to Johne Nicoll, writter to our soverane lords said signet, for obedience of the charge execute aganis thame for that effect; and the said Johne Nicoll, being demanded if he had givin out anie extracts of the minute of seasing quherunto he wes notar quhilk Charge to Archibald Stewart, servitor to the Earl of Antrim, and to Sir Francis Hay, Writer to the Signet, anent the lands of Cantyre.

wes givin to the said Archibald Stuart as attourney and in name and to the behove of Randolph McDonnell, Vicount of Dunluce, of the lands, lordship and baronie of Kintyre at the towre and fortalice of Donnawaitis upon the 16 of Januar last, he depouned and declared that he had givin out no extracts of the said minute but one to the said Archibald Stuart; quhilk minute the said Archibald, being commanded be the saids Lords to exhibite, he in humble obedience of thair command and directioun exhibite the said minute, and being demanded if he had gottin anie moe extracts of the said minute nor that quhilk he had now produced he depouned and declared that he had gottin no other extract of the said minute bot the minute produced. Quhilk minute the saids Lords, in regarde of his Majesteis command and direction, ordains to ly in processe and not to be givin up to the parteis; and the saids Lords declare that the production of the said minute made be the said Archibald Stewart at the command of the saids Lords sall be a sufficient exoneration to the said Archibald at his maisters hands and at the hands of all others having interesse. And the saids Lords discharges the said Johne Nicoll of all giving out of anie moe extracts of the said minute, and discharges the said Mr Francis Hay of all registrating of the said minute, quhilk they, being present, promeist to obey. Lykeas the saids Lords made intimation to the said Archibald that it wes his Majesteis pleasure that no innovation sould be made in the possession of the lands of Kintyre bot that the same sould remaine in the estait wherein it wes before the bargane made be the Vicount of Dunluce with the Lord Kintyre till his Majesteis forder pleasure wer knowne, and the saids Lords desired the said Archibald to acquaint the said Earle of Antrim his maister with this mater, quhilk he being personallie present promeist to doe."

Acts, June 1634-April 1636. Fol. 59, b.

Fol. 60, a.

[Sederunt as recorded above.]

Edinburgh, 19th Februury 1635.

Decreta, November 1633-April 1635. Fol. 199, a.

Anent the complaint by William Robertson, burgess of Perth, against Andrew Wemyss and others for assault.

Anent the complaint by William Robertsone, burgess of Perthe, against Andrew Weimes in Abernethie, John Williamsone, William Andersone, Andrew Hoy, and Andrew Fairnie there for the assault upon the said William Robertsone on 13th May, 1633, by the said Andrew Weimes in the kirkyard of Abernethie when he was attending the burial of his wife's father's brother, and the assault by the other persons named upon him on 24th July, 1633, as he was passing through Abernethie to the market at Couper of Fyffe (see *ante*, p. 403), the said William Robertsone, Andrew Weimes and some of the others compearing personally and having been heard, the Lords remit the trial of the complaint to the bailie of the regality of Abernethie, within whose bounds the affair occurred, and ordain him to administer justice therein."

Complaint by Duncan Crawford of

Fol. 199, b.

Complaint by Jean Fairlie, spouse of Duncan Crawfurde of Drumsing, Jean Crawfurde, her daughter, and the said Duncan for his interest, as

Decreta, November 1633-April 1635. Fol. 199, b.

follows :—On September last William Cuninghame of Drongane, Niven Craig, elder and younger, in Lean, William Craig, John and Peter Ranken, Patrick Murdo and McCrocher in , armed with swords, staves and other weapons, came under cloud of night to "ane holme of land perteaning to the said Duncane and shoore and away tooke ane great quantitie of cornes growing thereon, and when the compleaner's wyffe, dauchter, and servant came to hinder thame, they pat hands in thair personis, gave thame manie bauch and blae straiks in diverse parts of thair bodie, threw thame to the ground, kuist the said Jean Fairlie in ane running water and so abused her that thairafter she parted with bairne to the hazard of her lyffe." Charge having been given to the said Niven Craig, elder, and William Cuninghame, they and the pursuer compeared, and proof of the truth of the complaint being referred to the defenders' oath of verity, and they, on being sworn, denying the same, the Lords assoilzie the defenders.

Drumsing, his spouse, and daughter, for stealing the said Duncan's corn and for assault on his said spouse and daughter.

Acts, June 1634-April 1626. Fol. 60, a.

Sederunt—St. Andrewes; Glasgow; Murrey; Wigton; Gallouay; Lauderdaill; Tracquair; Bishop of Dumblane; Lord Alexander; Naper; Clerk Register; Advocate; Justice Clerk.

Edinburgh, 24th February 1635.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Sir Johne Grant of Freuchie and become actit and obleist as cautioner and souertie for Patrik Grant, younger of Glenmorestoun, that he sall remaine within the toun of Edinburgh and not remove nor depart furth thairof till he be releeved be the saids Lords, under the pane of three thowsand merkes. And in respect of the absence and not compeirance of Johne Grant, elder of Glenmorestoun, this day, quhilk wes undertane for his said compeirance, ordains letters to be direct to denunce him rebell, and continewes the outgiving of the letters till the tent of Marche nixt."

Caution by Sir John Grant of Freuchie for Patrick Grant, younger of Glenmoriston, and outlawry of John Grant elder of Glenmoriston.

Fol. 60, b.

"The Lords of Secreit Counsell continewes the Marques of Huntlie his entering in waird within the castell of Edinburgh till Fryday nixt."

Marquis of Huntly.

Acta penes, Marchiarum, etc., 1587-1636. Fol. 45, a.

Act of caution by John Caddell of Migvie and John Sibbald, burgess of Aberdein, for Alexander Strauchane of Glenkindin, that he will observe the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as *ante*, p. 477; with clause of relief. (Signed) ALEXR. STRAQN of GLENKINDIE; JOn CADDELL off ESTER MIGVE; JO: SIBBALD.

Edinburgh, 24th February 1635.

Caution by John Caddell of Migvie and John Sibbald, burgess of Aberdeen, for Alexander Strachan of Glenkindie.

Borders, 1603-43. Fol. 96, a.

"The Lords of Secreit Counsell ordains and commands Sir Johne Scot of Scottistarvet, Director of our Soverane Lords Chancellarie, to caus write and expede the conjunct commissioun for the Middle shires in the same words and termons [*sic*] as it is conceaved and drawin up and signed be the Kings Majestie, notwithstanding that the said commissioun beiris not in expresse termes ane warrand to the said Sir Johne to pas and expede the same without anie forder precept to be direct thereupoun, and notwithstanding of the claus insert in the said commissioun that the same

Edinburgh, 24th February 1636.

Charge to Sir John Scot of Scotstarvet to prepare the conjunct com-

mission for the Middle Shires. sall remaine and continew in full power and force according to the meaning and intent therein specifeit untill his Majestie sall declare his will and pleasure under his privie seale or great seale of Scotland in the contrarie, anent the writting and expeding of quhilk commissioun in maner foresaid this present act sall be unto the said Sir Johne a sufficient warrand. Borders, 1603-43. Fol. 96, a.

"Followes the tennour of the commissioun abonementiouned.

Signature for the joint Commission for the Middle Shires. "Charles be the grace of God King of Great Britain, France and Ireland, Defender of the Faith, To our right trustie cousines, Williame, Marques of Dowglas, and Robert, Erle of Nithisdaill, and to our right trust cousines and counsellers, Robert, Earle of Roxburgh, Johne, Erle of Annerdaill, and Williame, Erle of Dumfreis, and to our right trust cousine, Williame, Erle of Quenisberrie, and to our right trust cousine and counseller, Johne, Erle of Tracquair, and to our right trust cousines, Robert, Lord Kirkcudbright, and James, Lord Johnestoun, and to our trustie and weilbelovit counseller, Sir James Carmichell, knight and baronnet, our Justice Clerk, and to our trustie and weilbelovits Sir Williame Scot of Harden, during the minoritie of our right trust cousine, Francis, Earle of Buccleuche, Sir Johne Charters of Amisfeild, knight, Sir Robert Greir of Lag, knight, Sir Williame Dowglas of Cavers, knight, shireff of Tiviotdaill, and Sir Johne Maxwell of Conhaith, knight, and to our right trust cousine and counseller, , Earle of Arrundell and Surrey, and to our right trust cousine, Algernoull, Earle of Northumberland, and to our right trust cousines and counsellers, Francis, Earle of Cumberland, Theophilus, Earle of Suffolk, and to our trust cousines, Williame, Lord Hawart, Henrie, Lord Montrevert, Henrie, Lord Clifford, and to our trustie and weilbelovits Sir Francis Hawart, Sir Johne Fennick, knight and baronnet, Sir Richard Grahame, knight and baronnet, Sir George Daltoun, knight, Sir Williame Carnewie, knight, Sir Williame Withrington, knight, Sir Johne Leuther, knight, one of our counsell of Yorke and to our weilbelovit Roger Widdertoun, Esquire, greeting. Whereas upon the humble complaint and intimatioun of our honest and loyall subjects within our shirefdomes of Berwick, Roxburgh, Selkirk, Peebles and Dumfreis and our Stewartreis of Kirkcudbright and Annandaill and our counteis of Northumberland, Cumberland and Westmerland and of our subjects of the touns, villages and parishes of Norhame, callit the Holie Yland and Bedlingtoun, parcell of our County Palatine of Dureme and of our toun of Bervick upon Twede, als weill within our realme of Scotland as of England being, that diverse malefactors within our counteis, shirefdomes, stewartreis, yland, villages, parishes and touns foresaids combyning thameselffes togidder and making unlawfull assembleis and conventions togidder, als weill in places publict as privat, doe daylie goe armed and leade about als weill by day Fol. 96, b.

Borders, 1603-43. Fol. 96, b.

as by night ane armed power to attempt and committ diverse wicked and lewde attempts, contrarie to the peace of both our kingdomes and contrarie to the lawes and customes in both thame had and respectivelie used, by ill using, assaulting, wounding, mayming and wickedlie killing diverse of our subjects and others, robbing and spoyling of thair goods,

Fol. 97, a.

and some taking and imprissoning and in prison keeping in extreme hunger and cold even unto death, untill they sall make great and greevous fynes for the redemptioun of thair persons, and also committing murthers, manslaughters, burglareis, ravishementis, robreis, felloneis, waists, beside burning of houssis and barnes full of corne, and others greevous, notorious and intolerable offences and outrages frome day to day committing, and also minassing and threatning with panes of life and death all suche as sall in our courts of justice prosecute anie of the offenders for the offences foresaid, to the great contempt of us, the breake of our peace and the terrour of our subjects of both our realmes. And albeit in a Parliament of our darrest father, late King of Scotland and England of famous memorie, haldin in our kingdome of England at Westminster in the countie of Midlesex, the eighteene day of November in the fourth yeere of his happie raigne, by prorogatioun than haldin, certane provisions and ordinances wer than made to inquire of diverse misdemeanors within the kingdome of England committed and the samine to heare and determine before the Justices of Assize or commissioners of oyer and derminer [sic] or jayle deliverie, assignes done and committed by our naturall subjects in our kingdome of England borne and no other; now, becaus it oftin happenneth that the saids offenders and delinquents, committing the saids outrages and enormous offences in Scotland or England, doe privilie convoy thameselffes from one kingdome to another and that there is not one deputed nor appointed who will follow thame frome the one kingdome to the other and so arreist and take thame, and because, if perhaps they sould be tane and arrested in our saids kingdomes and so be sent and remanded into the other where the saids offences wer committed, there might happin ane great space of time betuix his remanding and his coming to examinatioun and judgement, so that in the meane tyme they have opportunitie to escape and so become as outlawes to wander and lurke in places unknowne and uncertane and so gett recept and harbour amongs thair favorites, freinds or parents, and oftintimes by confederacie and conspiracie of suche offenders by meanes of thair freinds and fautors, aud the jurors of the countrie, the truthe certanelie cannot be found out, nor dew punishement as wer fitt be executed upon thame, so that the hopes of impunitie begettis in thame a

Fol. 97, b.

boldness of offending:—Know yee that we, being carefull to provide for the good estait, securitie, peace and quyetness of our good and loyall subjects of our kingdomes of Scotland and England, as also to represse suche offenders, and being unwilling to pas by suche offences by anie connivence quhatsoever without thair dew punishement, putting singular

trust in your speciall care and circumspectioun for the punishement and preventioun of anie of the offences foresaids heerafter to be committed, have assigned yow and everie ane of yow and anie two or more of yow to persew, follow, take and arrest all and everie suche persoun the offences aforesaid in our counteis, shirefdomes, stewartres, yland, toun, hamlets and parishes aforesaid or anie of thame committing, or fleing for anie suche offences from toun to toun, place to place, or frome one kingdome to another, untill they sall be takin and arrested; and that all our shireffs, majors, bailliffes, justices of peace, provests and others our ministers and the rest of our loyall subjects in Scotland and England be with thair whole power to yow thairin aiding and assisting als oft as they sall be by yow, one or more of yow, upon that occasioun and behalfe thereunto callit and warned, provided alwayes that the offenders foresaids so takin and arrested be brought to the jayle of that place or countie where the offence foresaid wes committed and thair being delyvered in saife custodie to be keeped untill, according to the lawes and customes. thair used, they be delyvered. And because it oftin happenneth that for the haynousnes and outragiousnes of the crimes and trespasses by thame committed and for others caussis and circumstances it is necessary that the present remedie of justice sould be executed upon the saids offenders, whiche cannot be if yee sould stay and wait for the coming of the ordinar justices in the said place, we have assigned yow or anie three or more of yow, of whiche nomber one is to be in Scotland and the other of England borne, frome tyme to tyme and alse oftin as yow sall hold it neidfull, and at suche dayes, times and places as yow sall appoint, to inquire by the oath of good and lawfull men of our saids countie, shirefdomes, stewartreis, island, touns, villages, or parishes aforesaid, in whiche suche offences have beene committed, by whome the truthe of the fact may be best knowne and inquired according to the lawes and customes of those places wherein the offences wer committed, of all unlawfull assembleis, wounding, mayming or killing of our subjects, depredations, imprisonments, murders, manslaughters, burglareis, ravishments, felloneis, robreis, fyning of houssis, and others oppressiouns and devices and injureis aforesaid, by whomsoever committed in our saids counteis, shirefdomes, stewartreis, island, touns, villages, and parishes aforesaids, or anie of thame, by those whome yow have so imprissonned, by yourselffes or by your command or anie other of thair confederats and to heare and determine according to the truthe of the fact of all and singular the aforesaids premisses according to the lawes and customes of the place where the saids offences sall happin to be committed for whiche they ar to receave thair tryell, saving to us our amerciaments, fynes, forefaltours and others dewteis thereby unto us perteaning. We command also all shireffs, stewarts, bailliffes, and ministers of our counteis, stewartreis, touns, villages, and parishes aforesaid whome it may heirin concerne that at suche dayes and places and

Borders, 1603-43. Fol. 97, b.

Fol. 98, a.

Borders, 1603-43. Fol. 98, a.

als oftin as yow or anie three or more of yow as is aforesaid sall thinke fitt and thairof give notice by your warrand in writting, they caus to come before yow or anie three or more of yow suche and so manie good and lawfull men of thair bailliffe weekes als weill within thair liberteis as without by whome and whois oath you may inquire of the offences foresaids. And forder, our will and pleasure is that these our letters of commissioun sall be in dew maner made and sealed als weill under our great seale of Scotland as under our great seale of England, and without anie other or forder warrand frome us to be had and obteaned in that behalfe, for quhilk purpose we have also caused a duplicat heirof to be made to pas under our great seale of England. And forder we will, and our pleasure and commandement is, that this our commissioun

Fol. 98, b.

and all powers and authoriteis thereby givin and grantit sall remaine and continew in full power and force according to our meaning and intent therein specified untill we sall declare our will and pleasure under our privie seale or great seale of Scotland to the contrarie, the statute haldin at Westminister in the fourth yeere of the raigne of our darrest father in England intituled Ane Act for abolishing of all memorie of hostilitie and the dependences thairof betuix Scotland and England for repressing the occasions of discord and disorder in time to come, or anie other law, statute, caus or mater quhatsomever to the contrarie notwithstanding. In witness whereof we have caused our great seale to be appended to thir presents. Givin at Whitehall the auchteine day of Januar, j^{m}vj^{c} threttie fyve yeeres, and of our raigne of Scotland, England, France, and Ireland the tent yeare, 1635.

"Per signaturam manu supremi domini nostri Regis suprascriptam. Per actum Dominorum Secreti Consilii."

Sederunts, January 1635-November 1643. Fol. 3, a.

Sederunt as recorded above, adding "Mairshell, Wintoun, Southesk, Bining, Bishop of Edinburgh, and Lord Melvill." Edinburgh, 24th February 1635.

Fol. 3, b.

"The Lords remitts to the provest and bailleis of Edinburgh and other burrowes to take tryell of all arrestments layed upon souldiors presentlie in waird and if they have beene lawfullie tane on, and for thair more saife keeping committed be the captans, and no diligence nor arrestment used aganis thame of before, in that caise the Lords ordains the provest and bailleis to delyver the souldiour who hes beene arreisted at the instance of his aleedged creditours after his committing to be made furthcummand and disposed of be his captane conforme to the first compromit and agreement." The magistrates of Edinburh and other burghs to try soldiers who are in ward.

Acta, June 1634-April 1636. Fol. 60, b.

Sederunt—St. Andrewes; Mairshell; Murrey; Wintoun; Wigtoun; Gallouay; Lauderdaill; Southesk; Tracquair; Lord Alexander; Bishop of Edinburgh; Bishop of Dumblane; Lord Melvill; Lord Naper; Clerk of Register; Advocate. Edinburh, 26th February 1635.

Commission to confer with the Marquis of Huntly, who has appeared before the Council anent the disorders in the North.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie George, Marques of Huntlie, and declared that with great infirmitie and danger of his life he had made his addresse to this burgh in this unseasonable time of the yeere to give his appearance before the saids Lords and to ansuer anent the disorders in the north and that for obedience of the charges execute aganis him for that effect, and he humbelie craved of the saids Lords that they would be pleased to delegat some of thair nomber to confer with him anent that bussines to whome he hoped to give all satisfaction that is prestable be him. For quhilk purpose the Lords nominats and appoints the Erles of Lauderdaill and Tracquaire, the Bishop of Edinburgh, the Clerk Register and Advocat, or anie three of thame, to meit with the Marques the morne and at suche other times as they sall think fitt and to confer and reasoun with him anent the saids disorders, authors and abbettors of the same, and to represent unto him the apparent presumptions of his accessioun and guiltines in the saids disorders and how farre he may be burdenned in law with the redresse thairof, and to report his ansuer and thair opinioun concerning the same to the saids Lords upon Tuisday nixt, till whiche time the Lords continewes all executioun aganis the Marques." Acta, June 1634-April 1636. Fol. 60, b.

Edinburgh, 26th February 1635.

[Sederunt as recorded above, omitting Galloway, the Bishop of Edinburgh and Lord Melvill; and adding the Bishop of Glasgow, Mar, Erroll, Dumfreis, Lord Binning, Bishop of Murray, Bishop of Ros, and the Justice Clerk.] Decreta, November 1633-April 1635. Fol. 200, a.

Complaint by James Barclay merchant burgess of Glasgow, who craves continuance of his protection.

Complaint by James Barclay, merchant burgess of Glasgow, as follows:—Their Lordships lately granted him their protection for citing his creditors to the 4th of November last to hear his protection extended; but, the time being too short, the citation (in which he used all possible diligence) was not found lawful. Charge having been given to John Cousigne, Mark Middilbanks and Thomas Clibburne, merchants in Newcastle, James and Harry Croft, William and John Vailzie, John Hobcroft, Thomas Balden, William Tailzeour, Francis Mussill, Robert Brassie, Daniel Walden, Edward Claytoun, John Alfoord, Francis Hutcheoun and Robert Huiks, citizens of London, John Dason in Leids, Roger Ogden in Ratisdaill, John Cowper and Robert Greir in Chester, all creditors of the said James, but none of them compearing, the Lords grant their protection to the complainer till 1st August next.

Complaint by Sir Robert Innes of Balvenie against Thomas Grant, tutor of Carron, and Robert Grant, his brother, for resetting the escaped traitor, James Grant.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Sir Robert Innes of Balvenie, knight baronet, as follows:—Their Lordships have published several acts and proclamations forbidding the reset of the traitor, James Grant, and promising large rewards to any who would exhibit him, alive or dead; yet Thomas Grant, now tutor of Carroun, and Robert Grant, his brother, have ever since the escape of the said James from the Castle of Edinburgh harboured him in their houses, Fol. 200, b.

Decreta, November 1633-April 1635. Fol. 200, b.

kept company with him in divers parts of the country, and employed him for executing their private revenge against his Majesty's good subjects. For example, on 8th September last the said Thomas and Robert Grant, accompanied by the traitor James, James Grant of Inveroure, Arthur Roy, his man, James McGrimon in , and James McCuriach there, all rebels, came to the Laird of Balvenie's lands of Strathawin and threatened the tenants with all possible violence. Charge having been given to the said Thomas and Robert Grant, and the pursuers compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Fol. 201, a.

Fol. 201, b.

Complaint by Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for the sale of tobacco in small quantities, against Patrick Wemyss in Wester Wemyss and others for contravening the Acts anent the sale of tobacco.

Complaint by Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for the sale of tobacco in small quantities (as *ante*, p. 462), narrating the promulgation of a new Act dated 4th November last and another of 27th November ordaining that all masters of families should be answerable for their children and servants in this matter, "and that all recompence taken for tobacco shall be repute and punished as vendition"; and that nevertheless Patrick Weimes in Wester Weimes, Andrew Bruce, George Smart, John Gemlo, Charles Goldman, Patrick Lindsay, John Swan, James Annand, James Stanners, and Henry Guthrie, all merchants, burgesses of Dundie, Andrew Nicoll, Thomas Fleeming, James Petrie, David Wandles, Gilbert Nicoll, Thomas Bower, Walter Smith, Alexander McKene, Henry Broun, Robert Constable, younger, James Broune, Gilbert Auchinlek, Henry Davidsone, William Hill, Robert Gray, and Katherine Downey, all burgesses of Dundie, James Ronald, William Jamie, Andrew Jamie, Andrew Dairsie, Walter Jamesone, Walter Guthrie, John Traill, John Rainie, Alexander Strachane, James Murray, David Baxter, George

Fol. 202, a.

Milne and John Harper, burgesses of Montrose, and Thomas Scot, Christian Cargill, James Watsone, John Winrhame, John Gairdiner, John Scot and James Mitchell, indwellers in Brechin, have all violated the said Acts and should be deemed to have incurred the penalty thereof. Charge having been given to the said persons to compear and give their oath of verity upon the said complaint, and Sir Thomas Hope compearing with Mr William Wallace, as procurator for the other pursuers, but none of the defenders being present, the Lords ordain the latter each to have incurred the penalty of 100 merks, and letters to be issued for its recovery, one half of the said penalty to go to the informer and the other half to the commissioners foresaid.

Sederunts, January 1635-November 1643. Fol. 4, a.

James Spence's protection extended.

"The Lords prorogats James Spence his protection till Tuisday nixt at night."

Edinburgh, 3rd March 1635.

Sederunt—St. Andrewes; Gallouay; Southesk; Bishop of Edinburgh; Bishop of Dumblane; Lord Melvill; Clerk Register; Advocate.

Acts, June 1634-April 1636. Fol. 60, b.

Anent the warding of the Marquis of Huntly.

"The Lords of Secreit Counsell continewes the Marques of Huntlie his entering of his person in waird within the Castell of Edinburgh till the eighteene of this instant, he alwayes remaining and keeping free waird within the toun of Edinburgh or the Cannogait." Acta, June 1634-April 1636. Fol. 60, b.

The Lord Advocate to support the Laird of Frendraught in his pursuit of those who have done injury to the said Laird.

"The Lords of Secreit Counsell, upon the humble requeist and desire of James Crichtoun of Fendraucht, ordains Sir Thomas Hope of Craighall, his Majesteis Advocat, to concurre with the said James Crichtoun and to prosecute the informations givin or to be givin unto him not onelie concerning the peace of the countrie bot lykewayes to assist, concurre and persew for and with him for redresse to be made to him of the particular wrongs, heirships, depredations and others insolenceis committed aganis the said James and his tennents be quhatsomever persons thair complices, partakers, hounders out and ressetters and all others upon whome the saids crimes may be layed, and those who be the lawes of the kingdome aucht to be answerable for the committers of the same crimes; quhilk the said Lord Advocat, being personallie present, promeist to doe." Fol. 61, a.

Edinburgh, 3rd March 1635.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 202, b.

Complaint by William Douglas of Cavers and others against Walter Veitch in Gedderscot and others, for carrying prohibited weapons and shooting the complainers' doves.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir William Douglas of Cavers, Sheriff of Roxburgh, John Turnbull of Minto and Robert Scot of Quhytslede, as parties grieved, as follows:— In violation of the laws prohibiting the carrying of hagbuts and pistols during the past three years, Walter Veitch in Gedderscot, and James Newby, Robert and Wright, and Robert Wauch in Heip, came to the complainers' lands and with hagbuts and guns, "shot and slew diverse of thair dowes and hes made such a destruction of the same that thair dowcats, quhilks formerlie were weill plenished with dowis, are altogidder herryed and destroyed be thame; and they daily beir and weir hacquebuts and pistolets, rydes and gangs throw the countrey with the same, when thair adois invites thame." His Majesty's Advocate and Robert Scot compearing for the pursuers, but none of the defenders appearing, the Lords ordain officers to pass and denounce the same as rebels." Fol. 203, a.

Complaint by John Alison, burgess of Jedburgh, against Ragwell Bennett of Chesters for illegally warding the complainer in the Tolbooth of Edinburgh.

Complaint by John Alesoun, burgess of Jedburgh, as follows:— Ragwell Bennet of Chesters comprised some of the complainer's lands for debts far below the value of the lands, and obtained himself infeft therein, but not content therewith he raised horning and caption against the complainer, and having on 24th December last under trust drawn "the honest man" to Edinburgh, pretending that it was to come to terms with him, as soon as they met, he "verie unhonestlie caused committ the honest man to warde within the tolbuith of Edinburgh, where he yitt remaines." The pursuer compearing by his wife and the defender being personally present, the Lords, after hearing parties, ordain the pursuer to Fol. 203, b.

Decreta, November 1634-April 1635. Fo. 203, b.

be put to liberty upon finding caution in the Books of Secret Council that he will re-enter to his said ward before the 24th instant under the pain of the payment of the sums due to Ragwell Bennet.

Acta, June 1634-April 1635. Fol. 61, a.

Sederunt—St. Andrewes; Erroll; Mar; Murrey; Wintoun; Gallouay; Southesk; Tracquair; Bishop of Edinburgh; Bishop of Dumblane; Clerk Register; Advocate. Edinburgh, 5th March 1635.

Act ordaining Sir John Grant of Freuchie, as chieftain of the clan Grant, to present James Grant and others before the Council on the second of June next.

"Forsamekle as the Lords of Secreit Counsell ar informed that the rebell, James Grant, Robert Grant, his brother, and George Grant, his bastard sone, and others thair associats does still continew thair thifts, depredations, fire raisings and others barbarous oppressions, to the dishonnour of God, contempt of his Majesteis auctoritie and lawes and disturbance of the north parts of this realme; and the saids Lords, calling to minde the acts of Parliament by the quhilks it is statute that the cheiffs and chiftans of clans sall be haldin to present and exhibite suche of thair clan that they sall be charged for to his Majestie or to the Lords of Privie Counsell or to his Majesteis Justice and his deputs to underly the lawes at the time and place to be appointed; and they, being weill advised with the said acts and with the objections and reasons propouned be Sir Johne Grant of Freuchie and his advocats whairfoir he aucht not to be burdenned with the entrie and exhibition of the said James Grant, his said brother and sone, on the ane part, and the reasons of Johne Grant, fear of Ballindallach, compleanner, and Sir Thomas Hop of Craighall, knight baronnet, concurrand for his Majesteis interesse, on the other part; the Lords of Secreit Counsell, notwithstanding of all the objections and reasons propouned be the said Sir Johne Grant and his advocats in the contrare, finds and declares that the said Sir Johne Grant aucht and sould be answerable for his haill kin and clan of the surname of Grant conforme to the lawes and practick of this kindome, and thairfoir decernis and ordains the said Sir Johne Grant, as cheiff and chiftane of the surname of Grant, to bring and exhibite the said James Grant, Robert Grant, his brother, and George Grant, his bastard sone, before the saids Lords or before his Majesteis Justice upon the second day of Junij nixt. Lykeas the said Sir Johne Grant, being personallie present and this decreit and sentence intimat to him, he humbelie desired to be authorized with ane commissioun frome the saids Lords aganis the saids rebellis for the better enabling of him to the execution of the saids Lords decreit, quhilk the saids Lords thought reasonable, and ordained the said commission to be extendit in dew and ample forme."

Fol. 61, b.

The Privy Councillors and the broken men for whom they are responsible.

"The Lords of Secreit Counsell ordains and commands all the Counsellers that ar landslords to find caution for observing the acts of Parliament made aganis brokin men upon the 24 of this instant."

Charge to certain sheriffs anent the broken men of the name of Gordon.

"The Lords of Secreit Counsell ordains and commands George Baird of Auchmedden, shireff of Bamf, John Campbell, fear of Caddell, shireff of Narne, who wer personallie present, as lykewayes Thomas Crombie of Kemnay, shireff of Aberdein, to take out thair commissions frome the clerk of Counsell aganis the brokin men of the name of Gordon and to make thair addresse home with all possible diligence and to goe on in the reall executioun of the said commissioun, as they will answer upon the dewtie of thair offices." Acta, June 1634-April 1636. Fol. 61, b.

John, Earl of Traquair, to confer with the Marquis of Huntly.

"The Lords of Secreit Counsell nominats and appoints Johne, Earle of Tracquair, to be conveenner of the committee appointed to confer with the Marques of Huntlie and to conveene thame at such time and place as he sall thinke meit."

Charge to the magistrates of Edinburgh to release James Gordon of Letterfourie from ward for a specified time.

"The Lords of Secreit Counsell ordains and commands the provest and bailleis of Edinburgh to putt James Gordon of Letterfoure, Johne Gordoun of Innermerkie, Johne Gordoun of Park, William Gordoun of Tulloch and James Gordoun of Terrisoull to libertie and fredome furth of thair tolbuith, they finding cautioun and souertie actit in the bookes of Privie Counsell to compeir upon Tuisday nixt, the tent, that they sall remaine and keepe waird within the burgh of Edinburgh and the Cannogait till they be dismist, under the panes following, viz., the saids James Gordoun of Letterfoure, Johne Gordon of Innermerkie, Johne Gordoun of Park, and Williame Gordoun of Tulloch, everie ane of thame under the pane of fyve thowsand merkes, and the said James Gordon of Terrisoull under the pane of j^{m} lib." Fol. 62, a.

Edinburgh, 5th March 1635.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 203, b.

Complaint by the commissioners for the sale of tobacco against David Whitelaw and others for contravening the law anent the sale of tobacco.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for the sale of tobacco (as *ante*, p. 501), against David Quhytlaw, Robert Baillie, John Wilsone, John Duncansoune, John Rodger, James Pollok, Finla Bowie, Ninian Kincaid, James Gowan, Patrick Buchannan, John Mairshell and Andrew Dinning, burgesses of Glasgow, for violation of the Acts concerning the sale of tobacco. Sir Thomas Hope compearing personally and the other two pursuers by their procurator, Mr William Wallace, there attended of the defenders, David Quhytlaw, John Duncansone, John Rodger, Finla Bowie, Ninian Kincaid, James Gowan, Patrick Buchannan and Andrew Dinning, all of whom being put upon oath respecting the verity of the complaint confessed (with the exception of Andrew Dinning, who denied the accusation and was assoilzied) that they had sold in small some quantity of tobacco which they had prior to the proclamation, and were accordingly decerned to have incurred the penalty of 100 merks. The Lords also find that the non-compearing defenders have incurred the penalty foresaid and ordain letters to be issued for recovery of the same. Fol. 204, a.

Decreta, November 1633-April 1635. Fol. 205, a.

Protest by John Innes of Leuchars and others against Sir Robert Innes of Balvenie and others in the case of a charge of carrying prohibited weapons and breaking the peace.

This day there compeared before the Lords John Innes of Leuchars, George, James and Patrick Innes, his brothers, and Alexander Watsoune, servitor to the said John Innes, and gave in a copy of summons against them by Sir Robert Innes of Balvenie, Mr Gavin Dumbar, chantor of Murray, and Walter Kinnaird of Coubin, curators chosen by Alexander Innes of Coxtoune, and Sir Thomas Hope of Craighall, his Majesty's Fol. 205, b. Advocate, charging them with carrying hagbuts and pistols and with convocation of the lieges, coming to the house of Coxtoun, breaking up the doors thereof and keeping the same as a house of war fortified with men, powder, bullet and other warlike furniture, and also seizing upon the person of Alexander Innes of Coxtoun and keeping him as a captive, sequestrated from his friends; and protested that as they were now present ready to answer to the same, and no one appeared to prosecute, nothing further should be proceeded with in the case until they were cited of new and their expenses paid.

Complaint by James Jameson against Andrew Brown in Newburgh and others for assault.

Complaint by James Jamesoun, white fisher in Meney, as follows:—On 28th April last Andrew Broune in Newburgh, Elspet Wobster, his wife, James Wood and Andrew Brydie there, lay in wait for the complainer beside the town of Newburgh and meeting him upon the highway, assailed him fiercely, "and with thair fauldit neiffes gave him manie bauch straiks on the head, face and others parts of his bodie, dang him to the ground, tooke his stalfe frome him and thairwith gave him a nomber of cruell straiks on divers parts of his bodie to the effusion of his blood, and pitifullie birsed and bruised him, and tooke his purse and clothis frome [him], quhilk they yitt keepe." The pursuer compearing personally, but none of the defenders, the Lords ordain the latter to be put to the horn and escheated.

Fol. 206, a.

Supplication for protection by James Stewart of Askamyle.

Supplication by James Stewart of Askamyle, as follows:—Malcolm McNauchtane and his brother with some others lately broke into the supplicant's house and took thence 8000 merks, which he had for payment of his creditors, and his enemies discovering this have stirred up his creditors to use the rigour of the law against him. He therefore craves their Lordships' protection, and this they grant to him until 1st July next.

Acts, June 1634-April 1636. Fol. 62, a.

Edinburgh, 10th March 1635.

Sederunt—St. Andrewes; Privy Seal; Erroll; Murrey; Wintoun; Wigtoun; Gallouay; Lauderdaill; Southesk; Tracquair; Bining; Alexander; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk.

The Marquis of Huntly and the disorders in the North.

The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie George, Marques of Huntlie, and the saids Lords, having burdenned him with the exhibition of the brokin men of the name of Gordoun upon the acts of Parliament 1587 and 1594, they upon the

said Marques his earnest desire assignes to him Thursday nixt to consult with his advocats and to give in his answer thereanent in writt; and the saids Lords ordains Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, to revise and consider the depositions tane anent the disorders in the north and the acts of Parliament made aganis chiftans of clans and to be in readines upon Thursday nixt to propone his reasons for fastening the saids brokin men upon the said Marques of Huntlie and to answer to all that sall be alledged be the Marques in the contrare." Acts, June 1634–April 1636. Fol. 62, a.

Anent the caution for John Grant of Glenmoriston.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne Grant of Glenmorestoun for satisfactioun of the act of cautionrie found be him for that effect, quhairupon James Gibsone, advocat, as procurator for Sir Johne Grant of Freuchie, cautioner for Glenmorestoun, protested for the said Laird of Grant his releeffe of his cautionrie, in respect quherof the saids Lords ordains the said Johne Grant of Glenmorestoun to remaine and keepe waird within the burgh of Edinburgh, the Cannogait and Leith, and not to depart till he be releeved be the Counsell, and to find caution to that effect under the pane of fyve thowsand merkes, for quhilk purpose ordains the first caution to stand in force till Thursday nixt that caution be renewed."

Edinburgh, 10th March 1635.

[Sederunt as recorded above, omitting the Justice Clerk.]

Decreta, November 1633–April 1635. Fol. 206, b.

Complaint by Mr. Walter Whiteford, subdean of Glasgow, against James and George Cleland, sons of the deceased Sir James Cleland of Monkland, for assault.

Complaint by Sir Thomas Hope, King's Advocate, and Mr. Walter Whytefurd, sub-dean of Glasgow, one of his Majesty's chaplains, as follows:—In violation of the laws prohibiting the carrying of hagbuts and pistolets James and George Cleland, sons of the deceased Sir James Cleland of Monkland, having conceived a hatred and malice towards the said Mr Walter and publicly and privately "professed and avowed with manie fearfull oathes to have his lyffe," came to the kirk of Monkland upon the 1st instant, being Sunday, armed with swords, pistols and hagbuts, "and without respect, being the Lords Sabboth, nor to the hous of God, they came within the kirk and sett thameselves, one at the one syde of the entrie of the quire and the other where they expected the said Mr Walter sould have comed that day to have preached, resolved if he had come to have put violent hands in his person." Being disappointed in this, they went to the said Mr Walter's house in time of divine service and threatened the servants and children, vowing that they would set the house on fire. After sermon they waited at the entry of the said house, and cruelly assailed Mr John Quhytfurde, the pursuer's son, whom they would have killed if some gentlemen had not come to his rescue. On the following day, Fol. 207, a. under the belief that the said Mr John had ridden to Glasgow, they followed with the intention of taking his life, but, missing him, they returned to the complainer's house accompanied by David Shaw, James

Decreta, November 1633-April 1635. Fol. 207, a.

and Thomas Moffats, servitors to Ludovick Cleland of Monkland, and others, armed as aforesaid, and searched through it all for the said Mr Walter or his said son, threatening his wife and "shoring to sett the hous in fyre and not to leive a sticke thairof standing, professing that if they had thair turne done they caired not to be quartered in the morne, assumeing to thameselves the name of James Grant, and threatning to committ mae insolenceis than fell out be him." The pursuers compearing personally and also the said George Cleland, to whose oath of verity the pursuers referred the truth of the complaint, and he denying the same, the Lords assoilzie him; and they further direct officers of arms to go and put the said James Cleland to the horn and escheat his goods for his contempt.

Sederunts, January 1635-November 1643. Fol. 4, b. Fol. 5, b.

"The Lords continewes the processes anent the plaiding and pearle till this day aucht dayes." The plaiding and pearls.

"The Lords ordains the Erle of Cassills to find lawborrows to the shireff of Galloway under the pane of ten thowsand punds." Earl of Cassillis to find lawburrows.

Acta, June 1634-April 1636. Fol. 62, b.

Sederunt—St. Andrewes; Privy Seal; Erroll; Mairshell; Winton; Gallouay; Lauderdaill; Dumfreis; Southesk; Tracquair; Bining; Lord Alexander; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk. Edinburgh, 12th March 1635.

"Anent the supplication presented to the Lords of Secreit Counsell be George, Marques of Huntlie, makand mention that where for testification of his most willing and humble obedience to his Majestie and the saids Lords he hes, notwithstanding of his great age and infirmitie of bodie, made his addresse heir in this unseasonable time of yeere, to the impairing of his health and endangering of his lyfe, to answer anent the late disorders committed in the north, quhairof, as he is most innocent and free frome the guilt and accessioun to suche publict misdemeanours and nefarious acts, so he will concurre with his best power, service and furtherance for repressing of the same; bot becaus the saids Lords wer pleased at the said Marqueis his last appearance before thame to urge him upon the acts of Parliament 1587 and 1594 with the exhibition of the brokin men of the name of Gordoun the said Marques will be sparing to make anie answer thereto as being loath to enter in dispute with his Majesteis Advocat or to declyne anie service for the peace of the countrie that is prestable be him or in his power to performe; humbelie desyring thairfoir the saids Lords to forbeare at this time anie proceeding aganis the said Marques upon the acts of Parliament and to grant him a commissioun for persute of the saids brokin men, whiche he is content to accept and will promise upon his honnour and credite faithfullie and reallie to execute the same, and to imploy his freinds, ingadge his estait and use his best care, power and diligence for quyetting of the countrie Supplication by the Marquis of Huntly that no proceedings be taken against him in connection with the broken men in the North, and that a commission be granted to him for suppressing the said broken men.—Granted.

and imbringing of the persons disturbers of the peace thairof and that betuix and suche a reasonable day as the saids Lords upon consideration of his present inabilitie sall appoint, at whiche time, if he report not reall and satisfactorie diligence, the saids Lords may than as now proceed to the censuring of him if he be found guiltie according to the nature and merite of his offence; lykeas at mair lenth is conteanit in the said supplicatioun. Quhilk being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secreit Counsell, upon the said Marques of Huntlie his earnest desire, forbeares all proceeding aganis him at this time upon the acts of Parliament for exhibition of the brokin men of the name of Gordoun, and ordains ane ample commission to be past and exped unto him and the persons to be nominat be him for whome he sall be answerable for thair apprehension and exhibition upon the xvj day of Junij nixt before his Majesteis Counsell or Justice, the said Marqueis first acting himselfe in the bookes of Secreit Counsell that the haill name of Gordoun within the shirefdomes of Aberdein, Bamf, Elgine, Innernes, Narne, Cromartie, and all the said Marques his vassals and tennents dwelling within his lands or within the lands and bounds perteaning to George, Lord Gordoun, his sone, and all others whome he may stop or latt and for whome he is answerable be the lawes of the kingdome and acts of parliament, sall live in peace and quyetness free frome all publict insurrections and rebellions, and that the laird of Fendraucht, his ladie, barnes, vassalls, men, tennents and servants and others his Majesteis peaceable and good subjects sall be harmlesse and skaithlesse in thair persons, lands, goods and geir frome all incursions, heirships, fire raisings, publict and opin oppressions to be committed upon thame be the said Marques or anie of the name of Gordoun within the bounds foresaids to the disturbance of the peace of the countrie, and that the said Marques be himselfe, his bailleis and tennents sall caus stay and arreist all stollin goods that sall be lifted frome anie of his Majesteis good subjects and caried throw his bounds conforme to the acts of parliament made thereanent and under the pane of satisfaction of the haill skaith, domage and losse that the parteis interessed sall susteane in maner foresaid fra the dait of the said act and in tyme comming; as alsua the said Marques acting himselfe to report to the clerk of the Counsell ane band of cautionrie for him of the tennour abonewrittin subscryved be a nomber of responsall barons and gentlemen as cautioners for him in the presence of famous witnesses, to be insert and registrat in the bookes of Secreit Counsell betuix and the day of nixt under all highest pane and censure that be the saids Lords may be inflicted upon him incaise of his failyie. And the saids Lords declares that this act and caution sall be without prejudice to the said Laird of Fendracht of anie former suretie or lawborrowes found unto him be the said Marques under pecuniall panes conforme to the tennor thairof."

Acta June 1634-April 1636. Fol. 62, b.

Fol. 63, a.

Acts, June 1634-April 1636. Fol. 63, a.

Fol. 63, b.

"The quhilk day the Lords of Secreit Counsell declares that the Marques of Huntlie his acting himselfe and finding of caution for keeping the countrie in peace and quyetnes and securing of his Majesteis lieges frome the publict oppressiouns of the whole name of Gordoun and that his acceptation of ane commissioun for persute and exhibition of the rebellis and brokin men of the name of Gordon and others insert in the said commissioun, sall not import aganis the said Marques that he is answerable in law for the saids persons, bot the same sall be with expresse reservation and without prejudice to him of his lawful defences competent to him upon the acts of parliament for byganes as accords of the law." Declaration anent the Act foresaid.

"The whilk day James Crichtoun of Fendraucht, compeirand personallie before the Lords of Secreit Counsell, protested that the act and suretie to be found be the Marques of Huntlie for the said Laird of Fendraucht's indemnitie in time comming sall be without prejudice to the said Laird of his action competent to him upon the acts of parliament aganis the said Marques for byganes as accords of the law; quhilk protestation the saids Lords admitted." Protest by the Laird of Frendraught anent the aforesaid Act.

Decreta, November 1633-April 1635. Fol. 207, b.

[Sederunt as recorded above, omitting the Master of Elphinstoun.] Edinburgh, 12th March 1635.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Alexander Stewart in Blairbowie, partie grieved, as follows:—Though the carrying of hagbuts and pistols and convocation of the lieges in arms is very strictly prohibited, on 23rd September last, John, Earl of Cassills, Quintin Kennedie, James Currie, Uchthrid McDougall, William Adair, James Kennedie and Archibald McAuld, domestic servants to the said Earl, William Branster in Linstoune, John and Henry Davidsone in Burnmouth, John Fultoun in Gultriehill, Andrew McCoshe in Craufurdstoun, Thomas Davidsone in Pennieglen, Neill Gallouay, James Hendersoun in Wodstoune, John Hendersoun in Gomerstoune, James Fleeming in , James Campbell in Barnefurd, John Kennedie of Knockda, Thomas McArg in Milnetoun of Cassills, Thomas Mortoun in Mains thereof, and Thomas Smith in Durinehill, with others, all at the instigation of the said Earl, came under cloud and silence of night to the barnyard of the said Alexander Steuart, "where his bere and cornes were standing thalked and crouned, and there the said Earle, without forme or order of law, yockit a nomber of his foote boyes and kuist tua of the said Alexander his stalkes, ane of beir, ane other of corne, slang ane great quantitie thairof over the barneyaird dykes among the filthie myres, scattered the rest athort the feilds and intrometted and away tooke what they pleased of the same. And the said Earle of Cassills and John Kennedie of Knockda in this meane tyme brake up the compleaners barne doore and walked up and doune the same untill the personis foirsaids had destroyed the compleaners haill cornes." Further, on 1st and Complaint by Alexander Stewart in Blairbowie against the Earl of Cassillis, his landlord, for injury done to the complainer's goods.

Fol. 208, a.

3rd November, the said Earl and other persons foresaid came to the complainer's said barnyard, where the Earl caused his footboys and servants cast over five of the complainer's stacks, whereby his corn has been so spoiled and abused that he will scarcely have sufficient with which to sow his lands. And, on the said 1st of November, the said Quintin Kennedie, Uchtrid McDougall and William Branster, by command of the said Earl, pursued the complainer for his life between Cassills and his own house, whither he fled for safety, but they broke up the doors and would have slain him but for his own better defence; and, on the said 3rd November, the foresaid Uchtred McDougall with a rung and his hands and feet cruelly hurt and wounded Gilbert Hendersone, the complainer's son-in-law. Charge having been given to the said Earl, and he and the pursuers personally compearing and having been heard, the Lords "perceaveing cleirlie that there is suche miscontent betuix the saids parties as nather can the said Earle acknawledge the said Alexander as a kyndlie and dewtifull tenent, nor the said Alexander carie himselfe to the said Erle with that respect quhilk becometh ane humble tenent to his master and quhilk proceidit from the said Alexander his leiding of his teind of his saids lands after that the said Erle had served inhibitions thairupon and given advertisement to the said Alexander not to medle thairwith," find it expedient that the Earl provide himself with another tenant in the lands held of him by the said Alexander, viz. the two mark land of Blairbowie, the keeping of the park of Cassills with the Newlands and meadow under the same; and that the said Alexander provide himself with another master. They therefore ordain the said Earl to pay to the said Alexander 1000 merks precisely at Whitsunday next with 300 merks additional of penalty in case of failure, and that in full satisfaction of damages done in the drawing by the Earl of his teind forth of the said Alexander's corns stacked in his barnyard, and of the expense to which he has been put in raising this complaint, as also in satisfaction of the right and kindness of the holding he has from the said Earl. And they ordain the said Alexander thereupon to renounce his tack and right and kindness thereof to the said Earl under reservation of the crop sown for this present year, with which he is to deal at his pleasure, always excepting the said Earl's teind of the same. The Earl is to have entry to the grass of the lands at Whitsunday, when the said Alexander is to remove all his goods therefrom and vacate the whole houses and buildings except the barn and barnyard for the keeping of his corns according to the use of the country. Further, the said Alexander is to make payment to the Earl of his ordinary rent at the term of Candlemas [*sic*] next precisely, and to be burdened with no further service, without prejudice to the Earl of any rents due to him for the year 1634. The Lords further extinguish all actions standing between the said parties, who both declared themselves content with their Lordships' decision and promised real obediance thereunto.

Decreta, November 1633-April 1635. Fol. 208 a.

Fol. 208, b.

Decreta, November 1633-April 1635. Fol. 209, a.

Complaint by Angus McEane Vic Dougall, servitor to Hector McLaine of Kendlochallane, as follows:—On November last Charles McClaine in Unibeg, John McEachan Vic Ean Roy in Gaydine, Donald Gow in Corunahennach, Gillespick Geir McChannanich in Skallashillbeg, John Dow McChannaniche, Donald McCondochie Vic Gillivoir, Archibald McShirrie in Leattir, Ewin McEwin there, Gillicallme McEan Vic Gillichalline there, and Donald Roy McGillean Vic Gowlay, all armed with bows, darlochs, swords, targes and other weapons, cruelly pursued the complainer for his life, gave him many bauch, blae and bloody strokes, bound him with cords as if he had been a thief, carried him away and kept him prisoner for five days and five nights without meat or drink with the intention of hungering him to the death, if he had not made his escape. Charge having been given to the persons named and the pursuer compearing by James Logie, but none of the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by Angus M'Ean Vic Dougall, servitor to Hector M'Lean of Kinlochalline, against Charles M'Lean in Unibeg and others for assault and illegal warding.

Fol. 209, b.

Supplication by William Seatoun of Sceathin, as follows:—He is distressed as cautioner for the young Laird of Pitcaple who has now fled to Ingland, and the supplicant has come to this burgh to deal with his joint cautioners for his relief, but his enemies have stirred up his creditors to seek personal execution against him and so debar him from lawful diligence against the Laird of Pitcaple. He therefore craves their Lordships' warrant for his safety. The Lords grant him their protection until 1st August next.

Supplication by William Seton of Sceathin for protection.

Acta penes Marchiarum, etc., 1587-1636. Fol. 45, b.

Act of caution by Sir John Grant of Freuchie for John Grant of Glenmorestoun that he will observe the acts of Parliament for the maintenance of peace by the chieftains of clans and others; with clause of relief. (Signed) GLEMORISTOUN. S. J. GRANT, cationer.

Caution by Sir John Grant of Freuchie for John Grant of Glenmoriston.

Sederunts, January 1635-November 1643. Fol. 5, a.

"The Lords ordanis the Erle of Cassillis and shireff of Galloway to find lawborrowes to others under the paines conteanit in thair former acts and to remaine within burgh and not to remove till they find the said cautioun."

The Earl of Cassillis and the Sheriff of Galloway to find lawburrows.

Acta, June 1634-April 1636. Fol. 63, b.

Sederunt—St. Andrewes; Erroll; Mairshell; Wintoun; Gallouay; Lauderdaill; Dumfreis; Southesk; Tracquair; Binning; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Clerk Register; Advocate.

Edinburgh, 13th March 1635.

"The Lords of Secreit Counsell remitts the informatiouns and articles givin in aganis Androw Bruce of Mownes and others in Zetland to the consideratioun of Johne, Earle of Tracquair, Sir Johne Hay, Clerk of his Majesteis Registers, and Sir Thomas Hope of Craighall, his Majesteis Advocat, or anie twa of thame, ordaining thame to take tryell thairof and of the desire of the same and to report to the Counsell thair opinion thereanent."

Commission to inquire into the grievances of Shetland.

Intimation to Sir Alexander Gordon of Cluny and others anent the Marquis of Huntly's commission against the broken men of the North.

Acta, June 1634-April 1636. Fol. 63, b.

"The quhilk day Sir Thomas Hope of Craighall, knight baronnet, Advocat to our soverane lord, made intimation to Sir Alexander Gordoun of Cluny, Johne Gordoun of Buckie and James Gordoun of Letterfoure, who wer personallie present, that there wes a commissioun past to George, Marques of Huntlie, and unto thame and others nominat be the said Marques for persute and exhibition of the brokin men in the north, and required thame to advertise thair freinds with all possible diligence to the effect they might be in readines to goe on in the reall executioun of the said commissioun aganis the saids brokin men conforme to the tennour thairof."

Edinburgh, 13th March 1635.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 210, a.

Complaint by George Stevenson in Berboth and Margaret Moirs against John Moirs in Dalcairne and others for injury done to their corn, and for assault.

Complaint by George Stevensone in Berboth, and Margaret Moirs, lawful daughter of Gilbert Moirs in Dalgairne, as follows:—They had led and stacked their corns for this year in thair yard of Dalcairne when John Moirs in Dalcairne, and others, his accomplices, came on January last, and very maliciously cast down their stacks, threw the corn about the fields and some over the dykes; and, coming again within 27 hours thereafter, carried off the same to his own barn, and threshed them at his pleasure. For avoiding further trouble the complainers complained to the bailie of Carrick, who caused arrest their corns; but the said John, with John M°Maiben in and others, came to the complainers' barn door, broke it up and meddled with the corns therein; and when the complainers came and would have thrashed their own corn, they assailed them with swords, staves and other weapons, wounded them on the head and shoulders and forced them to flee for fear of their lives. Charge having been given to the said John Moirs and John M°Maiben, and the pursuer compearing personally but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Edinburgh, 13th March 1635.

The Marquis of Huntly required to find caution that no injury shall be done to the Laird of Frendraught by any persons for whom the said Marquis is responsible.

Sederunts, January 1635-November 1643. Fol. 5, b.

"The Lords ordains the Marques of Huntlie to find caution for the indemnitie of Fendraught aganis the haill name of Gordon within the schirefdomes of Abirdein, Bamff, Murrey, Forres, Elgine, Narne, Cromartie and Innernes and frome others whome he may stop or latt, and that if any heirships sall be lifted from Fendracht and caried through the Marques his bounds that he and his bailleis sall use thair exact diligence to arrest and stay the same according to the acts of Parliament made thereanent under the pane of twentie thowsand merkes by and attour the satisfaction of the skaith according to the lawes provided in that behalfe. And the saids Lords declares that this act of caution sall begin and receave execution aganis the said Marques his cautioners fra the nynetein of this instant allanerlie without prejudice to the Laird of Fendraucht of his action competent to him upon the act of Parliament aganis the Marques himselfe for anie

Sederunts, January 1635-November 1643. Fol. 5, b.

wrong that sall be committed in the meantime and for redresse of byganes as accords of the law."

Letter of Council to his Majesty requesting him to encourage Sir Philbert Vermitty in the manufacture of glass.

"Most sacred soverane,—Whereas your Majestie hes ever had ane royall and princelie regard to this your Majesteis ancient kingdome by communicating of your princelie favours in ane equall proportioun unto the subjects of both your Majesteis kingdoms of Scotland and England, amongs others the patent of the glasse workes is not one of the least whiche, having ane free passage in all others your Majesteis dominiouns, will much tend to the advantage of this kingdome, not onlie in the particular itselfe bot as being a meane to invite the maisters of others Fol. 6, a. arts and ingenious inventions to adventure with us as that weill accomplished gentleman, Sir Philbert Vermitty, hath done who, to his great charge, hath perfytted that worke of making of glasse in this kingdome quhereby manie of your Majesteis good subjects heir ar haldin at warke to thair great advantage, and on his behalfe we will humbelie presome to give unto your Majestie most humble thankes, humeblie beseeking your Majestie for the better encouragement of him and others of his qualitie and parts to continew your gracious favour towards him, for the whiche as all others your Majesteis royall and tender regards of the weale of this your Majesteis kingdome we sall ever remaine, etc. *Subscribitur*—St. Andrews, Glasgow, Wintoun, Wigtoun, Lauderdaill, Dumfreis, Southesk, Tracquair, Naper, J. Hay, Ja. Carmichaell. Edinburgh, 17 *Martij*, 1635."

Acta penes Marchiarum, etc., 1587-1636. Fol. 46, a.

Act of caution by John Grant of Glenmoreistoun for Patrick Grant, apparent of Glenmoreistoun, his son, that he will observe the acts of Parliament for the maintenance of order by the chieftains of clans and others, as *ante*, p. 477 ; with clause of relief. (Signed) PATRIK GRANT of GLEMORISTOUN.

Edinburgh, 14th March 1635. Caution by John Grant of Glenmoriston for his son and heir.

Acta, June 1634-April 1636. Fol. 64, a.

Sederunt—Chancellor; Glasgow; Erroll; Mairshell; Wintoun; Wigtoun; Lauderdaill; Dumfreis; Southesk; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Naper; Clerk Register; Advocate; Justice Clerk.

Edinburgh, 17th March 1635.

Charge for presentation before the Council of four broken men now in custody in the House of Frendraught.

"Forsamekle as it is understand to the Lords of Secreit Counsell that foure of the lymmars who were actors in all the insolenceis, heirships, depredations and fire raisings committed upon his Majesteis peaceable and good subjects in the north parts of this kingdome ar of late tane and brought to the place of Kynnaird, perteaning to the Laird of Fendraucht, quher they ar keeped in sure firmance be his ladie, of the quhilks lymmars one is callit Beg, twa ar callit Cowyes, and the name of the fourt not yitt knowne. And whereas it is most probable and certane that thir foure lymmars who wer personall actors in all the insolenceis foresaids can give a trew light and information to the saids Lords who

wer the principall authors, devisers, prosecuters and followers out of the disorders and troubles and where and be whome and upon whois ground and lands the persons guiltie hes beene ressett and interteanyed; necessar it is, thairfoir, that thir foure persons now in hands be exhibite before his Majesteis Counsell to be examined and otherwayes tane order with and punished as accords. For quhilk purpose the saids Lords ordains letters to be direct charging the shireff of Bamff and his deputs to make thair addresse, weill and substantiouslie accompanied, to the said place of Kynnaird and thair to receave frome the Ladie Fendraucht the foure persons abonewrittin and to bring and delyver thame to the shireff of Aberdene and his deputs within 36 houres nixt after they be charged thereto under the pane of rebellion, etc., and to charge the shireff of Aberdein and his deputs to receave the saids foure persons frome the shireff of Bamff and his deputs or suche as sall have the charge of thair convoy within ane houre nixt after they be presentit to thame, and to bring and delyver thame to the shireff of Kincardin and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Kincardine and his deputs to receave the saids foure persons frome the said shireff of Aberdein and his deputs within ane houre nixt after they be presentit unto thame, and to bring, present and exhibite thame to the shireff of Forfar and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the saids shireff of Forfar and his deputs to receave the saids foure persons frome the said shireff of Kincardin and his deputs within ane houre after they be presentit unto thame, and to bring and exhibite thame to the provest and bailleis of Dundie within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the saids provest and bailleis of Dundie to receave the saids foure persons from the saids shireff of Forfar and his deputs within ane houre after they be presentit unto thame, and to bring and delyver thame to the shireff of Fyffe or his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Fyffe and his deputs to receave the saids foure persons frome the saids provest and bailleis of Bruntilland [sic] within ane houre after they be presentit unto thame and to bring and delyver thame to the bailleis of Bruntilland within 24 houres thereafter under the said pane of rebellioun, etc.; and to charge the saids bailleis of Bruntilland to receave the saids foure persons frome the saids shireff of Fyfe and his deputs within ane houre nixt after they be presentit unto thame and to bring and delyver thame to the bailleis of Leith within 24 houres thereafter under the said pane of rebellioun, etc.; and to charge the said bailleis of Leith to receave the saids foure persons frome the saids bailleis of Bruntilland within ane houre after they be presentit unto thame, and to bring and delyver thame to the provest and bailleis of Edinburgh within sax houres thereafter under the said pane of rebellioun, etc.; and to charge the saids provest and bailleis of Edinburgh to

Acta, June 1634-April 1636. Fol. 64, a.

Fol. 64, b.

Acts, June 1634-April 1636. Fol. 64, b.

receave the saids foure persons frome the saids bailleis of Leith within ane houre after they be presented to thame and to committ thame to waird till order be givin for thair tryell and punishment under the said pane of rebellion, etc.; and if anie of the persons foresaids failyies in anie point heirof the tymes respective foresaids being bypast to denunce, etc."

Charge for the production before the Council of Lady Rothiemay who is accused of encouraging the disorders in the North.

"Forsamekle as in all the disorders and troubles quhilks hes of lait fallin out in the north parts of this kingdome Katharine Forbes, Ladie Rothemay, hes had a speciall hand, not onelie by a covert and secreit forme of supplee and releeffe givin be her at the beginning of the saids troubles to the principall actors and ringleaders therein, bot in end with ane plane and high hand she hes publictlie and avowedlie tane upon her the patrocinie and defence, so far as in her lyes, of the saids rebellis, hes ressett thame in her hous of Rothemay, hes fortified the same with men, victualls and all other warrelike provisioun and she and they concurring togidder, hes keeped and keepes the said hous as ane hous of warre
Fol. 65, a. aganis his Majestie and his auctoritie, and hes beene and is upon the counsell of all the passages in this rebellion, for the quhilk she, being callit to her answer before the Lords of Privie Counsell and takand upon her the guilt of the saids crimes, she absented herselfe and compeired not and wes thairfoir denunced and registrat at the horne and contempnandlie remaines thereat as yitt unrelaxt in high and proud contempt of his Majesteis auctoritie and lawes, and thairfoir it is verie necessar that she be exhibite before the saids Lords to underly her examinatioun and tryell as accords. For quhilk purpose the Lords of Secreit Counsell ordains letters to be direct charging the shireff of Bamff and his deputs to pas, searche, seeke and take the said Katharine Forbes where ever she may be apprehended within the bounds of his office and to bring and delyver her to the shireff of Aberdein and his deputs within three dayes after the charge under the pane of rebellion, etc.; and to charge the said shireff of Aberdein to receave the said Katharine frome the said shireff of Bamff and his deputs within ane houre houre after she be delyvered unto thame and to bring and delyver her to the shireff of Kincardin and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Kincardin and his deputs to receave the said Katharine frome the said shireff of Aberdein and his deputs within ane houre after she beis presentit unto thame and to exhibite her to the shireff of Forfar and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Forfar and his deputs to receave the said Katharine from the said shireff of Kincardin and his deputs and to exhibite her to the provest and bailleis of Dundie within 24 houres thereafter under the said pane of rebellion; and to charge the saids provest and bailleis of Dundie to receave the said Katharine frome the said shireff of Forfar and his deputs within ane houre after she beis

presentit unto thame and to exhibite her to the shireff of Fife and his deputs within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Fyffe and his deputs to receave the said Katharine frome the saids provest and bailleis of Dundie within ane houre after she beis presentit unto thame and to exhibite her to the bailleis of Bruntilland within 24 houres thereafter under the said pane of rebellioun, etc.; and to charge the said bailleis of Bruntilland to receave the said Katharine frome the saids shireff of Fyffe and his deputs and to bring and exhibite her to the bailleis of Leith within 24 houres thereafter under the said pane of rebellioun, etc.; and to charge the saids bailleis of Leith to receave the said Katharine frome the saids bailleis of Bruntilland within ane houre after she be presentit to thame and to exhibite her to the provest and bailleis of Edinburgh within 24 houres thereafter under the said pane of rebellioun, etc.; and to charge the saids provest and bailleis of Edinburgh to receave the said Katharine frome the saids bailleis of Leith within ane houre after she beis presentit unto thame and to committ her to waird, therein to remaine till she be tryed and examined as accords, under the said pane of rebellion, etc.; and if they failyie therein, the times respective foresaids being bypast, to denunce, etc." Acta, June 1634-April 1636. Fol. 65, a. Fol. 65, b.

Charge to the Sheriff of Banff and his deputes to take possession of the House of Rothiemay, where broken men are resetted by Lady Rothiemay.

"Forsamekle as one of the causes quhilks have procured the continuance of the disorders and troubles in the north hes proceeded frome the ressett quhilk the rebellis hes found in the hous of Rothemay, quhilk hous they have fortified with men and victuall, poulder and leade, and keepes the same as ane hous of warre, and when they find the occasioun of anie mischeif or trouble to committ in the countrie they come out of the hous, prosecuts thair treasonable resolutiouns and returnes back agane to the said hous where they ar ressett, and thinkes thameselffes als secure therein as if they wer lawfull subjects; and whereas it is ane great discredite to the countrie that ane handfull of treasonable lymmars sould be suffered to have suche starting holes in the countrie for thair retreate and suretie after the committing of thair mischant and insolent villaneis, thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the shireff of Bamf and his deputs, within whois office the said hous lyes, to pas to the said hous and to persew and take the same, remove all persons furth thairof and putt a competent nomber of persons within the same, to be keeped be thame upon the expenses and charges of the readiest of the rents and living of Rothemay during the time that they be warrand frome his Majesteis Counsell sall have the charge and keeping of the said hous; and if neid beis with power to the said shireff and his deputs to convocat his Majesties lieges in armes for thair better assistance in the execution of the premisses, and to make opin doores and to use his Majesteis keyes, and to doe all others things necessar for recoverie of the said hous and expelling of the rebellis and thair complices furth thairof, and that the said shireff and his deputs effectuallie

Acta, June 1634-April 1636. Fol. 66, a.

execute this directioun within three dayes after the charge as they will answer to his Majestie and his Counsell upon the dewtifull discharge of thair offices and under the pane to be callit before his Majesties Counsell and to be persewed and punished as remisse, unworthie and negligent officers to his Majestie in the executioun of his royall commandements."

Appointment of commission to apprehend the importers of foreign coin.

"Forsamekle as altho there hes beene diverse acts and proclamatiouns made and published heirtofore aganis the importation of the false and counterfoote copper coyne vented within this kingdome in the speces of turnours and farthings, as also aganis the importation of Holland doitts, doubles or suche other kynde of trashe unlawfull to have course and never allowed nor tolerat within this kingdome at anie time heirtofore under certane panes mentiouned and conteanit in the acts and proclamatiouns made and published thereanent; notwithstanding suche hes beene and is the presumptioun of nombers of his Majesteis subjects in this kingdome and of strangers that they ceasse not to bring within this kingdome great quantities of the saids copper penneis and farthings and of the Holland doitts and doubles, so as in a maner the countrie is filled with the same. And whereas it is a great disgrace to his Majesteis governement, contempt of his royall auctoritie, scandall to the kingdome and great hurt to the subjects that this false and counterfoote copper coyne of the speces foresaids and formerlie discharged, as said is, sall be suffered to have course or passage within this kingdome, and the saids Lords, being carefull to prevent the farther grouth of this evill and to try and point out the persons guiltie of the same; thairfoir the saids Lords hes givin and grantit and be the tennour of this present act gives and grants full power, commissioun and warrand to Mr James Gordon, keeper of our Soverane Lords signet, Mr Alexander Kinneir, writter, Mr Robert Ferquhar, merchant burges of Aberdein, Robert Keith, writter to his Majesteis signet, Robert Gordoun in Cluny, Duncane Forbes, provest of Innernes, Robert Bettie, burges of Montrose, Archibald Stuart, merchant burges of Air, Captane David and Robert Alexanders, burgesses of Anstruther, Alexander Wedderburne, burges of Dundie, Mr John Adamsone, shireff clerk of Hadintoun, Thomas Maxuell, brother to the Laird of Kirkconnell, Johne Montgomrie of Cokilbie, George Hangitside, burges of Kelso, Johne Rutherfurde, burges of Jedburgh, George Aitkine of , Williame Strauchan in Dunce, Johne Andersone, merchant in Glasgow, George Sinclair of Rapnes, and Mr James Mouat, fear of Garth, and to all judges, officers and magistrats to burgh and land, conjunctlie and severallie, to make diligent inquyrie and searche where and by whome this false coyne of the copper penneis, copper farthings, and of the doitts and doubles hes beene or sall be imported and outted among his Majesteis good subjects, and to apprehend the persons guiltie, and to intromett with the said false and forbiddin coyne, and to committ the persons guiltie to waird, or otherwayes to exhibite thame to his Majesteis Counsell; with power also to thame to

Fol. 66, b.

meddle and intromett with the said false and prohibite coyne and to exhibite thame to his Majesteis Counsell; firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin." Acts, June 1634-April 1636. Fol. 66, b.

Edinburgh, 17th March 1635. Depositions by Giacomo epromanno and others anent their relations to Sir Robert Mansfield. [Omitted at its proper place in the register.]

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie the persons underwrittin and gave thair great and solemne oath in maner and to the effect following:— Fol. 72, a.

Giacomo Lepomanno, sworne, depons that, he having served Sir Robert Mansfeild foure yeeres and givin him his band, Sir Robert delyvered to the deponner backe his band, whereupon he being free he entered in service with Sir Philbert Vernatty, and denyes upon oath that he wes seduced.

Francisco Maxalao, sworne, depons that [it] is ten yeeres since he served Sir Robert Mansfeild and that he is free of Sir Robert and hes beene serving in Germanie and wes since his returne in England, bot Sir Robert did never challenge him nather had anie service for him and that he wes free of Sir Robert.

Christopher Farsy, sworne, depons that he served Sir Robert foure yeeres under band and that Sir Robert having dismist him and delyvered him backe his band within this halfe yeere and being free he entered in service with Maximilian Vernattie, brother to the said Sir Philbert, and denyes seducement.

Valeria Biondi, sworne, depons he served Sir Robert Mansfeild as a voluntar, bot wes no wayes tyed to him by anie conditioun, and that it [is] seven moneths since he left him.

Francisco Biondi, sworne, depons he wes Sir Robert Mansfeilds servant sevin yeeres and wes bound to him onelie for foure yeeres, whiche are expired, and that he wes a freeman, and denyes seducement.

Francisco Ballanato, sworne, depons he wes Sir Robert Mansfeilds servant bot wes never bound to him, and that being a free man and hardlie used be Sir Robert he left his service, and denyes seducement.

Giovanni Rigetto, sworne, depons he wes in service with Sir Robert Mansfeild bot wes never bound to him, whereupon he wes conduced be Maximilian Vernattie. Fol. 72, b.

Johne Rousi, sworne, depons he hes served Sir Robert Mansfeild bot wes never tyed to him in anie conditioun and denyes seducement.

Charles Martine, sworne, depons he hes served Sir Robert bot wes never tyed to him, and being free he entered in service with Maximilian Vernattie.

Basteane Nicoll, sworne, denyes that ever he wes bound in anie condition to Sir Robert Mansfeild, bot wes a free man.

Johne McAcombla, sworne, depons he hes served Sir Robert twa yeeres bot wes ever free and no wayes bound to him."

Decreta, November 1633-April 1635.

[Sederunt as recorded above, omitting the Justice Clerk.]

Edinburgh, 17th March 1635.

Fol. 210, b.

Complaint of James Seatoun, burgess of Aberdeen, against John Keith and others, who, at the instigation of the Earl Marischal, have illegally warded him, and injured his goods.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and James Seatoun, burgess of Aberdene, party grieved, as follows :—Though the carrying of hagbuts and pistolets and convocation of the lieges in arms is strictly prohibited by the laws, yet on , John Keith and Patrick Forbes, then chamberlain to the Earl of Mairshell, having set to the said James a tack of the lands of Liddoche of Skene, lying in the lordship of Skene, for five years, after they had lain four years waste, and the complainer having occupied the lands for some years and looking to obtain the benefit of the said tack, on 1630, the said John Keith and Patrick Forbes, Robert Keith, writer, John Leslie, Robert Gordoun, Alexander Thomsone, James Keith, George Deines, Robert Hall, William Blackhall, John Keith in Auquhorsk, Alexander Forbes, William Straquhan, Alexander Norie, William Scot, Robert

Fol. 211, a.

Forbes, John Thomsone, and others, armed with swords, staves, hagbuts, pistols and other weapons, came, at the special instigation of the said Earl, by way of hamesucken, to the complainer's dwelling house in Liddoche of Skene, put violent hands on him and carried him prisoner to the tolbooth of Aberdene and kept him there a long time until he was forced to renounce his tack. Thereafter Robert Keith, brother of the said John, being general chamberlain to the said Earl, augmented his tack duty, at which time his tack was renewed upon new conditions; and, when the complainer offered George Creichtoun, younger of Creichie, as cautioner for his performance of the conditions, the said Robert laboured with the said George to refuse to be cautioner. Again on the said John Keith and others, armed with swords, hagbuts and pistolets and other weapons, at the instigation of the said Earl, came to the complainer's dwelling house, "brake up the doores thairof, rugged doun the rooffe of the hous, barnis and chalmers, so as ten bollis of meale being in his chalmer, and ane stacke of corn conteaning sextene bollis aitts, being in his barneyaird, were all lost. Lykeas about that same tyme the said Robert Keith himselfe came from Staniehyve to the compleaner in Con . . . and preist to have overrunne him with his horse and with ane braid suord hurt and woundit him on both the hands to the effusion of his blood. And upon Wednesday thairafter the personis forsaidis, boddin, as said is, came to the ground of the compleaners lands and dimolished and kuist doune the wallis of the saids houses and raised the same to the ground." Charge having been given to the said John Keith, Robert Keith, writer in Edinburgh, John Leslie, messenger, Robert Gordoun in Achrosk, Alexander Thomsone, servitor to the Earl of Mairshell, James Keith, younger of Kinnadie, George Deines, Robert Hall, William Blackhall, John Keith in Auquhorsk, Alexander Forbes in Rodgerhill, William Strachane in Kirktoun of Skene, Alexander Norie in Liddoche of Skene, William Scot in ,

Robert Forbes in Milbowie, John Thomsone in Kirktoun of Skene, William Rid there, William Keith and John Gordoun, and the pursuers appearing personally and likewise the whole defenders, except John Keith, the officer, and Alexander Forbes in , (for whom the said Robert Keith produced two certificates under the hand of the minister of Kinneller and of the elders of the kirk of Skene, stating their inability to travel in regard of their age and the present storm), and parties and their witnesses having been heard, and in regard to certain points reference having been made to the defenders' oaths of verity, the Lords assoilzie the whole of the defenders, who admitted the taking of the pursuer, though they declared it was by virtue of letters of caption, as also the demolishing of his houses and ejecting of himself in terms of his own renunciation, and decrees following thereupon. Decreta, November 1633-April 1635. Fol. 211, a. Fol. 212, a.

Complaint by Dame Agnes Falconer, and John, Master of Corstorphine, against David and John Erskine, burgesses of Montrose, who refuse to pay certain annual rents due to the complainers.

Complaint by Dame Agnes Falconer, widow and executrix confirmed to Alexander Keith of Benholme, and John, Master of Corstorphine, now her spouse, for his interest, as follows:—On 11th February last Mr. David and John Arskyne, burgesses of Montrose, were put to the horn at the instance of the complainers for not paying to them 10,000 merks of principal, 2000 merks of expenses, with interest of the principal sum at 10 per cent. and £100 of penalty for each term's failure in payment of the interest. They intended to follow up the horning by caption and other legal process, but this was frustrated by the said John purchasing a protection from his Majesty, in which the complainers reverently acquiesced. In the said protection there is the special provision that the said John shall pay the annual rents of the sums due to the creditors, but he has not acknowledged them in either the principal sum or the interest, and will not do so. The complainers, however, are confident that the Council will allow them the benefit of the law with regard to the annual rents, and they will wait patiently for the payment of the principal sum during his protection. Charge having been given to the said John Arskyne, and he compearing by Mr. John Sandilands, advocate, his procurator, and the said John, Master of Corstorphine, appearing as pursuer, the Lords, after hearing parties, grant warrant to all sheriffs and other judges to enforce letters of caption and other legal diligence against the said John Arskyne for making payment to the complainers of their annual rents notwithstanding of the said protection; but the Lords supersede execution hereof till Whitsunday next. Fol. 212, b.

Edinburgh, 17th March 1635.

Aprehension of four rebels by the Lady of Frendraught.

"The quhilk day the Laird of Fendraucht produced a letter frome his ladie bearing that she had takin foure of the brokin men that accompanied Adame Gordoun and wes partaker with him and the rest of the rebellis in thair lawlesse courses, for whois exhibitioun before the Counsell ordanis letters to be direct charging the shireffs to exhibite thame fra hand to hand to the tolbuith of Edinburgh." Sederunts, January 1635-November 1643. Fol. 6, a.

Pearls and plaiding.

"Continewes the processe anent the pearle and plaiding till this day aucht dayes."

Sederunts, January 1635-November 1643. Vol. 6, a.

"Continewes the Marques ansuer to the Counsellis ordinance till the morne at nyne of the clocke in the morning." The Marquis of Huntly.

"Ballindallach cautioner for exhibition of Dunkintie before the Counsell the morne under the pane of v^c merkes." The Lairds of Ballindalloch and Dunkintie.

Vol. 6, b.

Sederunt — St. Andrewes; Wintoun; Wigtoun; Lauderdaill; Dumfreis; Southesk; Tracquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Bining; Lord Alexander; Lord Naper; Clerk of Register; Justice Clerk. Edinburgh, 18th March 1635.

"The quhilk day the Lords of Secreit Counsell finds and declares that the cautioun to be found be the Marques of Huntlie for securing of the Laird of Fendraucht frome all incursions, heirships, fireraisings, publict and opin oppressions to be committed upon him be the name of Gordoun, and that the Marques his acceptatioun of ane commissioun for persute and exhibitioun of the brokin men and rebellis sall not make him ansuerable in law for the name of Gordoun and sall be without prejudice to the Marques of his lawfull defences competent to him for byganes as accords of the law." The Marquis of Huntly and the broken men of the name of Gordon.

"The quhilk day the Laird of Fendracht, compeirand personallie, protested that anie suretie to be found to him be the Marques of Huntlie for his indemnitie in time coming sall be without prejudice of his action competent to him for byganes as accords of the law, quhilks protestatioun the Lords admitt." The Laird of Frendraught and the Marquis of Huntly.

"Ordanis the Marques to find caution to keepe Fendracht free frome all incursions, heirships, &c., to be committed upon thame be the name of Gordon under the pane of redresse of the whole skaith that sall be done." The same.

Acta, June 634-April 636. Vol. 66, b.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Erroll; Mairshell; Wintoun; Wigtoun; Lauderdaill; Dumfreis; Southesk; Tracquair; Bishop of Ros; Lord Bining; Lord Alexander; Master of Elphinstoun; Clerk Register; Advocate; Justice Clerk. Edinburgh, 19th March 1635.

"Forsamekle as the persons underwrittin, they ar to say, , tutor of Glenneveis, McRannald younger, Adame Gordon, callit of Parke, Alexander Gordon, younger of Innermerkie, Johne and Nathaniel Gordons, sonnes to Johne Gordon of Ardlogie, James Gordoun, callit the souldiour, Williame Gordoun, sone to Gollachie, Johne Gordoun, sone to Littlemilne, James Gordoun, sone to Baldornie, James Gordoun, sone to Patrik Gordoun in Sutherland, Robert Gordoun, brother to the Laird of Geicht elder, Alexander Gordon, callit of Drumheid, Williame Gordon, callit of Achinhannach, Johne Gordoun in Corsekellie, Alexander Gordoun of Carneborrow, Alexander Leith, brother to Harthill, Adame Commission to the Marquis of Huntly and others for the apprehension of the broken men in the North.

Gordoun, servitour to Adame [Gordoun] of Park, Johne Gordoun in Stra- Acts, June 1634-April doun, Adame Gordoun there, James, Patrik and Alexander Gordons, his 1636. sonnes, George Gordoun in Auchterles, James, Adame and Harie Gordons, Fol. 66, b. his sonnes, Johne Gordoun in Carnehill, Johne Gordoun in Inchecorsie, Johne Gordoun in Wodheid of Rothemay, Duncane and Johne Dow Brabners, Alexander Duncane, brabner, William Cok, William McGillivorich, Williame Quhyte, Robert Copland, Alexander Kemp, Williame Beg, James Cruikshanke, whois father dwellis in Rothemay, George Moresone there, Johne Proffite, servitour to Nathaniel Gordoun, William Ros, sister sone to Letterfoure, Johne Boyes *alias* Grant, Johne Moore in Stradoun, Johne Rayne, McEwin Conneill and Johne McEwin in Loquhaber, Alexander Baillie, baillie to the Marques, Duncan McGregour McEanduy in Stradoun, Angus Fiar and Johne McGillespick, Donnald Kelles, Alexander McKercher, Robert Couper, Alexander Gow, James Inneis, Johne Weir, Williame Gauld, Johne Geins, Johne Milne, Angus McInneis, and Androw Marniche, all in Cabrache, ar delated to be and have beene the authors and committers of the manie slaughters, fire Fol. 67, a. raisings, heirships, depredations and others barbarous oppressiouns wherewith his Majesteis peaceable subjects in the north parts have beene greevouslie infested these diverse yeeres bygane, to the dishonnor of God, disgrace of his Majesteis governement and disturbance of the publict peace and quyetnes of the countrie, for the quhilks they ar all, at the least the greatest part of thame, denunced rebellis: And George, Marques of Huntlie, being callit to his answer heirupon and being urged upon the acts of Parliament with the exhibition of the saids persons, the said Marques, being loath to enter in dispute how far by the lawes of this kingdome he might be burdenned for the saids rebellis and brokin men, he, by his petitioun givin in to the Lords of Privie Counsell, did humbelie supplicat thame to forbeare all proceeding aganis him upon the acts of Parliament and to grant a commissioun to him and to the persons underwrittin for the persute and exhibition of the saids brokin men; quhereunto the saids Lords, at his earnest desire, wer pleased to yeeld. And thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power, auctoritie and commissioun, expresse bidding and charge to the said George, Marques of Huntlie, and to the persons underwrittin, nominat and givin up be the said Marques and for whome he sall be answerable, they ar to say, George, Lord Gordoun, James, Lord Desfurde, Sir Alexander Irwing of Drum, Williame Seaton of Meldrum, Meinyeis of Pitfoddells, Sir Alexander Gordoun of Cluny, Sir George Gordoun, elder of Geicht, George Gordoun, younger of Geicht, Sir Robert Inneis of Balvenie, Sir Walter Inneis, his sone, Sir James Gordoun of Lesmore, Alexander Gordoun, his sone, Johne Gordoun of Haddo, Johne Gordoun of Craig, Johne Gordoun of Buckie, Johne Gordoun of Hiltoun, Mr Robert Gordoun of Straloche, Robert Gordoun, his sone, Johne Gordoun of Park, Johne Gordoun of Innermerkie,

Acta, June 1634-April 1636. Fol. 67, a.

Williame Gordoun of Tulloch, James Gordoun of Letterfoure, George Gordoun of Newtoun, Williame Gordoun of Terpersie, Johne Gordoun of Corrochrie, George Gordoun of Tillichowdie, Patrik Gordoun of Kirkhill, Patrik Gordoun of Kincragie, Johne Gordoun of Blelak, Johne Inneis of Leuchars, Alexander Seatoun of Pitmedden, George Gordoun of Coclerachie, Harie Gordoun of Glassauche, Alexander Gordoun of Achannachie, Williame Gordoun of Knockaspeck, Robert Gordoun, baillie of the Einzie, James Gordoun of Dunbennan, Williame Gordon of Minmore, Williame Gordoun of Braichlie, and George Gordoun of Baldornie, conjunctlie and severallie, to convocat his Majesteis lieges in

Fol. 67, b.

armes and to pas, searche, seeke, follow and persew the rebellis and brokin men particularlie abonewrittin and all others whome the Lords of Privie Counsell sall give in valentine to thame whereever they may be apprehended, and to bring, present and exhibite thame before his Majesteis Counsell or Justice upon the xvj day of Junij nixt to underly thair deserved tryell and punishement; and incaise it sall happin the saids rebellious persons and brokin men for eshewing of apprehension to flee to strenths and houses, with power to the saids commissioners to pas, follow and persew thame, assiege the saids strenths and houses, raise fire and use all kynde of force and warrelike ingyne that can be had for winning and recoverie of the saids strenths and houses and apprehending of the saids rebellis and brokin men being therein; and if in persute of the saids rebellis and brokin men, they refuising to be tane, it sall happin thame or anie of thame or anie being in companie with thame or within the saids strenths and houses and assisting thame to be hurt, woundit, mutilat or slaine or anie other inconvenient to follow thereupon, the saids Lords declares that the same sall not be impute to the saids commissioners nor persons assisting thame in execution of this commission as crime nor offence, and exonering thame thairof and of all pane, crime and danger they may incurre therethrow *simpliciter* be thir presents. And for the better execution of this commission, with power to the saids commissioners and persons assisting thame therein to beir and weare hacquebuts and pistolets in the execution of the said commissioun allanerlie and no otherwayes; and generallie all and sindrie others things to doe, exerce and use quhilks for execution of this commissioun of the law and consuetude of this realme ar knowne to perteane; firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin: And ordains letters to be direct charging all and sindrie his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the execution of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, and for this effect to be in readines in thair best and most warrelike furniture, and to conveene and meit with the saids commissioners at suche times and places as they sall be warned thereunto be missive letters or otherwayes, and to attend

and await upon thame for prosecution of this commission aganis the saids brokin men under all highest pane and charge that after may follow." Acts, June 1634-April 1636. Fol. 67, b.

Landlords and chieftains of the name of Gordon to find caution for obeying the Acts of Parliament anent landlords and chieftains of clans.

"The Lords of Secreit Counsell ordains and commands the maissers of Counsell to pas and charge all the barons and landed gentlemen of the name of Gordoun presentlie in toun to find cautioun for keeping of the acts of Parliament made aganis landslords and chiftans of clans and not to remove furth of the toun till they find the said cautioun, under the pane of horning." Fol. 68, a.

John Murray, *alias* M'Gregor of Glenstrae, and his caution for his brother Patrick.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne Murrey, *alias* McGregour of Glenstrae, for obedience of the act whereby he was obleist to appeare himselfe and exhibite his brother, Patrik, this day, and he produced ane testimoniall under the hand of the minister of Comrie and others bearing that his brother wes heavilie diseased of ane fever, quhilk testimoniall the saids Lords finds unsufficient in regarde the same is not made upon soull and conscience; and thairfor the saids Lords ordains the said Johne to act himselfe to compeir personallie and exhibite his brother Patrik before the saids Lords upon the first Counsell day of Junij nixt, and that the said Johne sall answer to anie complaint to be moved aganis him be the Erle of Rothes under the pane of ten thowsand merkes. In obedience of the quhilk ordinance the said Johne, being personallie present, actit himselfe to the effect foresaid and declared that he wes content presentlie to assigne the soume of ten thowsand merkes addebted be Sir Robert Spotswod, President of the Colledge of Justice, to him and to make the same lyable and furthcummand, lykeas he presentlie assignes the said soume to the effect foresaid incaise of his faillie and not performance of the premises."

Edinburgh, 19th March 1635.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 212, b.

Complaint by Mr. George Poure, minister of Staniekirk, against Uchtred M'Dougall of Freuch, for assault and injury to his property.

Complaint by Mr Gilbert Poure, minister at Staniekirk, as follows:—"The persute and invasion of ministers for doing the dewties of thair calling or seiking thair stipends" is strictly prohibited by law, yet Wchtrid McDougall of Frewche, because the complainer sought his stipend from him, has resolved to take his life, "and accordinglie he gave out at all meitings that, if a gentleman would stryke ane minister, he would gar him doe what he pleased." On 14th April last he came to the complainer's dwelling-house and finding him at his gate, "he first shamefullie upbraidit him, calling him perjured and liar, and thairafter patt violent hands in his persone, buffetted him on the face with his neiffe, drew his suord and whinger, resolved to have slaine the minister thairwith. And not content thairwith, upon the Sunday thairafter, the said Uchthrid, accompanied with John Catchart of Gaynock, John Adair there, Alexander Agnew of Tung, Gilbert Muire there, James McLanoquhen in Fol. 213, a.

Decreta, November 1633-April 1635. Fol. 213, a.

Culinan, James Auld in Galdinoch, John Biggart there, John Gurroun in Freuch, Uchthreid Neilsone there, Thomas McClunie there, with others thair complices, came to ane tua merkland in the compleaners parish where he had some goods pasturing, and in despyte of the compleaner, without respect to the Lords Sabboth, drave away nyne of his nolt and cruellie strake, hurt and woundit thame so as they were unable to stirre." Charge having been given to the persons complained upon, and the pursuer compearing personally, also the said Uchthrid McDougall for himself and the remanent defenders, for whom he said he would answer, the Lords, having heard parties and witnesses produced in the case, who failed to prove any part of the complaint, assoilzie the whole defenders.

Sederunts, January 1635-November 1643. Fol. 7, a.

"The Lords continewes the advising of the processe anent the erectioun of the lordship of Torphichin till the first Counsell day of Junij nixt." The Lordship of Torphichen.

"The Lords grants protectioun to James Spence till Tuisday nixt at night." Protection to James Spence.

"A proclamatioun continewing all actions before the commission for the surrenders till Junij nixt." The Commission for the Surrenders.

Acta, June 1634-April 1636. Fol. 68, a.

Sederunt—Sanctandrewes; Privy Seal; Glasgow; Erroll; Mar; Winton; Wigton; Dumfreis; Southesk; Tracquair; Lord Binning; Bishop of Ros; Bishop of Dumblane; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk; Sir James Baillie. Edinburgh. 24th March 1635.

"The whilk day Mr Williame Douglas, maisser, compeirand personallie before the Lords of Privie Counsell, declared and testified that, according to the order givin unto him for charging the haill barons of the name of Gordoun being in toun for the time to find caution for keeping the acts of parliament made aganis brokin men, he had warned and charged the Laird of Abiryeldie to sett the said cautioun; quhereupon the said laird being oftymes callit and not compeirand, nather caution found be him to the effect foresaid, the saids Lords in respect of the said laird of Abiryeldie his contumacie and neglect of the Counsellis ordinance ordains letters to be direct to denunce him his Majesteis rebell, etc." The Laird of Abergeldie to be denounced rebel.

Fol. 68, b.

"The whilk day Donnald Ferquharsone of Monaltrie, compeirand personallie before the Lords of Secreit Counsell to give satisfactioun unto thame and underly his tryell anent the disorders in the north, the said Lords ordains him to remaine in toun and not to depart till he be dismist be the Counsell, quhilk the said Donnald promeist to obey." Donald Farquharson of Monaltrie, accused of disorders in the North, to remain in Edinburgh at the will of the Council.

"The Lords of Secreit Counsell ordains and commands George, Marques of Huntlie, to find new, sufficient and responsall cautioners actit in the bookes of Privie Counsell for the indemnitie of the Laird of Fendraucht under the pane of ten thowsand merkes, conforme to the charge of lawborrowes execut aganis him." The Marquis of Huntly to find new caution for the safety of the Laird of Frendraught.

Anent the pearls.

"The Lords of Secreit Counsell continewes the processe anent the pearle till the first Counsell day of Junij nixt, quhairof Mr Alexander Guthre for the burrowes, being personallie present, and Mr Robert Petre for Robert Buchan, being also personallie present, ar warned *apud acta*." Acta, June 1634-April 1636. Fol. 68, b.

Ordinance anent the buying and selling of plaiding.

"Forsamekle as the fraud and deceate used in the northland faires and mercats of this kingdome by presenting of the plaiding brought there to be sold in hard rollis to the great hurt and prejudice of his Majesteis subjects, buyers of the same, being humblie represented to the King his sacred Majestie and his Estats conveenned in the Parliament haldin at Edinburgh in the moneth of Junij, 1633, and they, having consideritt thairof and being carefull that the abuse (if anie be) sould be reformed and mended, his Majestie and Estaits of Parliament for this effect remitted the tryell and cognition of the said abuse and fraude to the Lords of his Majesteis Privie Counsell and to thair determinatioun to be givin thereintill, givand power to thame to take tryell of the said abuse and fraude and to decerne and determine therein as they sould think expedient and agreable with reasoun and equitie and the good of the subjects, whois determination, sentence and decreit to be pronunced in this mater his Majestie and his Estaits declared to have the force, strenth and auctoritie of ane decreit, sentence and act of Parliament, as the said act of remitt beiris. Conforme to the quhilk act and to ane missive letter writtin sensyne be the Kings Majestie to the saids Lords, earnestlie recommending unto thame the taking of some speedie course for reforming of the said abuse and fraude, and they being verie carefull to be trewlie informed of the estait of this bussines to the intent they might with the greater warrand proceed and determine therein, the saids Lords for this effect callit before thame some of the barons in the north with the commissioners for the burrowes and recommendit unto thame the making choise of some of thair nomber to repaire to the mercats in the North and to take tryell of the said abuse and of the wrong alledgit done in the mettage; and the choise being accordinglie made be the barons and burrowes, and the persons chosin, at the least a nomber of thame, having repaired to the saids mercats and informed thameselffes sufficientlie anent the premisses, they have givin in thair report in writt to the saids Lords. Quhilks reports being read, heard and consideritt be the saids Lords and they having lykewayes heard some of the saids commissioners thameselffes both for the barons and burrowes and all that wes propouned and alledged be thame in this bussines, and being weill and throughlie advised therewith, the saids Lords hes tane the course and order following whiche they decerne and ordaine to stand as a constant rule and to be observed in all time comming in buying and selling of plaiding; to witt, the saids Lords hes ordained and ordains that in time comming all plaiding to be presented to be sauld in mercats sall be layed out in folds to the view of the buyers, and the Lords leaves it arbitrarie to the owners of the plaiding to bring it to the mercats in rollis; and if the Fol. 69, a.

Acta, June 1634-April 1636. Vol. 69, a.

merchant buyer sall upon sight of the plaiding in folds marke and seale the same, in that caise it sall not be leasome to the merchant to resile from the bargane for the caus of insufficiencie; and the Lords declares and ordains that the partie seller sall have the metting of the plaiding if he please without prejudice to the buyer if he please to mett the same over agane; and for eshewing of fraude and deceate in the mettage the saids Lords decernis and ordains that all plaiding sall be mett with ane lawfull elwand sufficientlie sealed and that aff the ground and that nane sall lay thair hand upon the same whill it is in metting bot the person who metts the same; and ordains letters to be direct to make publicatioun heirof be opin proclamatioun at all places neidfull wherethrow

Fol. 69, b.

nane pretend ignorance of the same, and to command and charge all his Majesteis lieges whome these presents doe or may concerne to conforme thameselffes in buying and metting of thair plaiding to this present act and ordinance, and that nane presoome upon whatsomever cullour or pretext to violat the same under the pane to be callit, persewed and punished as contemners of the saids Lords thair ordinance; and siclyke to command and charge all persons who hes the charge of keeping of the saids mercats to have a speciall care that this act and ordinance be preceislie keeped in the saids mercats as they will be answerable upon the dewtifull discharge of thair offices."

Decreta, November 1633-April 1635. Fol. 213, b.

[Sederunt as recorded above, omitting the Bishop of Dumblane.]

Edinburgh, 24th March 1635.

Complaint by William Crawfurde of Pennifadzeoch, Gabriel Poterfeild of Hapland, Alexander Poterfeild of that Ilk, and James Blair, burgess of Irving, creditors of Mr Matthew Craufurde, brother of Lesnoreis, as follows:—An agreement has been entered into for the sale of the lands of Lesnoreis to the Earl of Dumfreis for their satisfaction, the only thing awanting being the signature of the said Mr Matthew, who has some interest therein. The said Earl has sent to Ireland for him for this purpose, but he dare not come to this country without their Lordships' protection, and this accordingly they crave. The Lords grant their protection to the said Mr Matthew against all legal diligence for civil debts until 1st August next.

Complaint by William Crawfurd of Pennifadzeoch and others, in which they crave protection for Mr. Matthew Crawfurd, their creditor.

Fol. 214, a.

The Lords of Secreit Councel, for the better enabling of Eufame Wauchop in Dudingstoune to seek in some debts due to her for satisfying her creditors, grant to her their protection till 1st August next.

Protection to Euphemia Wauchop.

Supplication by Mr Alexander Levingstoune, son of the deceased Mr William Levingstoune of Eister Greinyairds, as follows:—"Out of the trew filial respect that he did ever carie to his father," he at his special request became cautioner for him to several persons, by whom he is so molested "that he cannot have a competent space in regarde of some inhibitions impeding him to make moneyes of that meine patrimonie left

Supplication for protection by Mr. Alexander Livingstone, son of Mr. William Livingstone of Easter Greenyairds.

be his father for his releiffe of the saids ingadgments." He therefore craves their Lordships' protection. This the Lords grant till 1st August next. Decreta, November 1633-April 1635. Fol. 214, a.

Edinburgh, 26th March 1635.

Sederunt—St. Andrewes; Glasgow; Erroll; Mairshell; Mar; Murrey; Wintoun; Wigtoun; Lauderdaill; Dumfreis; Southesk; Tracquair; Lord Bining; Lord Alexander; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Lord Naper; Clerk Register; Advocate; Justice Clerk. Acta, June 1634-April 1636. Fol. 69, b.

Lawburrows by the Marquis of Huntly for the security of the Laird of Frendraught.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne Gordoun of Buckie and produced and exhibite ane band of lawborrowes made and subscryved be George, Marques of Huntlie, and certane responsall barons for the indemnitie of the Laird of Fendraucht conforme to the Counsells ordinance made thereanent of the dait the 21 of this instant, quhilk band, being seene and considderit be the saids Lords, they ordaine the same to be insert and registrat in the bookes of Privie Counsell to have the strenth of ane act and decreit of the saids Lords, of the quhilk band the tennour followes:—We, Sir Alexander Gordoun of Cluny, knight, Sir George Gordoun of Geicht, George Gordoun, younger of Geicht, Johne Gordoun of Buckie, Johne Gordoun of Hiltoun, James Gordoun of Letterfoure, Donald Ferquharsone of Monaltrie, Robert Gordoun of Cowdranie, George Gordoun of Newtoun, conjunctlie and severallie, be the tennor heirof binds and obleissis us as cautioners and souerteis for George, Marques of Huntlie, that James Crichtoun of Fendraucht, his wife, barnes, men, tennents and servants sall be harmelesse and skaithlesse in thair bodeis, persons, lands, heritages, tacks, steidings, roumes, possessions, cornes, cattell, goods and geir and on na wayes troubled nor molested therein be the said George, Marques of Huntlie, nor be no others of his causing, sending, hounding out, command, ressett, assistance and ratihabition whome he may stop or latt directlie nor indirectlie in time coming otherwayes nor be order of law and justice under the pane of ten thowsand merkes; and that for obedience and satisfaction of the letters of lawborrowes used and execute at the instance of the said James Crichtoun of Fendraucht aganis the said George, Marques of Huntlie, thereanent. And I the said George, Marques of Huntlie, binds and obleissis me, my airis and executours to warrand, freith, releeffe and skaithlesse keepe the forenamit persons, my cautioners abonewrittin, of all coast, skaith and damnage, interest or expenses they sall susteane or incurre therethrow at all hands and aganis all deidlie. And we, the forenamit cautioners, binds and obleissis us, conjunctlie and severallie, to releeve ilke ane others proportionallie and *pro rata* for our awne parts of the haill contents of this present band. And for the mair securitie we ar content and consents thir presents be insert and registrat in the bookes of Secreit Counsell to have the strenth of" Fol. 70, a.

Acta, June 1634-April 1636. Fol. 70, a.

ane decreit of the Lords thairof, that letters of horning upon ane single charge of sax dayes and others executoriallis necessar may pas heiron; and to that effect constituts, etc., our lawfull procurators, etc. In witnes quherof thir presents [written] be Thomas Hunter, servitour to Mr James Ferquharsone, writter to his Majesteis Signet, we have subscryved thir presents [sic] with our hands at the Cannogait and at Edinburgh the twentie saxt day of Marche, j^m vj^c threttie fyve yeeres, before thir witnesses, Mr Williame Paip, servitour to the said noble Marques, the said Thomas Hunter, Mr James Ferquharsone and Johne Gordoun of Sheills. *Sic subscribitur*, HUNTLYE; S^R ALEX^R GORDONE; S^R GEORGE GORDUN; G. GORDOUN; JHON GORDON; J. GORDOUN; J. GORDOUN; ROBERT GORDON; D. FARCHARSONE; M. J. Farquharsone, witnes; Johne Gordon, witnes; Mr W. Paip, witnes; T. Hunter, witnes to the said noble Marques his subscriptioun. And the saids Lords discharges the former cautioun found be the Marques for the said Laird his indemnitie, and the saids Lords declares that this cautioun sall be without prejudice to the said Laird of Fendraucht of the generall cautioun found be the said Marques for the haill name of Gordoun."

Declaration by John Grant, apparent of Ballindalloch, that John Dow M'Gregor and others have apprehended and slain certain rebels.

"The whilk day, in presence of the Lords of Secreit Counsell, compeired personallie Johne Grant, appearand of Ballindallach, and reported and declared to the saids Lords that he wes informed by a letter frome his wife that the persons underwrittin, viz., Johne Dow McGregour, Patrik Roy McGregour, Robert McGregour, McInstalker, and Donald
Fol. 70, b. McInstalker, his brother, and McArthure, being in persute of James Grant, rebell, and his complices, and not darring to sett upon him in respect of his forces, being saxteene or moe in nomber and they onelie sax, they attendit the opportunitie till the said James his companie sould dissolve, and accordinglie persewed Finlay McGrinnan and Cuming in Belrynnes of Stradoun, killed the said Finlay and sent his head heir to be presented to the Counsell, tooke the said Cuming alyve and caried him three myles of purpose to have caused exhibite him to the Counsell, bot, the countrie rising and preassing to releeve him, they wer forced to kill him. Quhilk report being heard be the saids Lords, and the said Finlay McGrinnans head being presented before thame, they allow of the saids persons thair taking and killing of the said Finlay McGrinnan and Cuming, and finds that they have done good service therein, exonering thame of all crime and offence that may be impute to thame for this caus. Lykeas the saids Lords ordains the bailleis of Edinburgh to caus affixe the said Finlay McGrinnans head upon the Neather Bow port; and the saids Lords ordains Johne, Earle of Tracquair, his Majesteis Deputie Thesaurar, to delyver to the partie bearer and imbringer of McGrinnans head the soume of ane hundreth merkes in satisfaction of his hazard and charges and for encouragement of others cheerefullie to goe on in the lyke service in time comming."

Committee appointed to consider a commission granted to Sir James Lockhart, younger of Lee, anent the export of herring.

"The whilk day ane signature under his Majesteis hand conteaning a commission to Sir James Lokhart, younger of Lee, and his assigneyes to putt in execution the acts of parliament made aganis slayers and transporters of herring and white fishe contrare to the tennor thairof, being produced and read in Counsell, the Lords of Secreit Counsell nominats and appoints John, Erle of Tracquair; Johne, Bishop of Murrey; Thomas, bishop of Brechin; Archibald, Lord Naper; Sir Robert Spotswod of Donypace, president of the Sessioun; Sir Johne Hay, Clerk Register; Sir Thomas Hope of Craighall, his Majesteis Advocat; and Sir Alexander Strauchane of Thornetoun or anie fyve of thame to conveene upon Saturday nixt at eight of the clocke in the morning and to heare the said Sir James Lokhart and the burrowes present in toun what can be alledged for or aganis the patent and tuicheing the conveniencie of the same, and to report to the Counsell upon Tuisday nixt. Lykeas the patent wes delyvered to Mr Alexander Guthre who wes personallie present to the effect he may impart the same to the commissioners for the burrowes and be consulted thereanent with thair assessours; and ordains the said Mr Alexander to attend the committee the day and time foresaid." Acts, June 1634-April 1636. Fol. 70, b. Fol. 71, a.

Donald Farquharson of Monaltrie.

"The Lords of Secreit Counsell allowes Donnald Ferquharsone of Monaltrie to goe home, he finding caution for his compeirance before the saids Lords upon the xvj of Junij nixt, under the pane of ane thowsand punds."

Commission for the examination of Thomas Grant, now prisoner in the Tolbooth of Edinburgh.

"The Lords of Secreit Counsell nominats and appoints Johne, Bishop of Murrey; Johne, Bishop of Ros; Sir Johne Hay, Clerk of Register; and Sir James Carmichell, Justice Clerk; to examine Thomas Grant, prisonner in the tolbuith of Edinburgh, upon suche interrogators as sall be givin in aganis him and to report his depositions to the saids Lords upon Tuisday nixt."

Edinburgh, 26th March 1635.

[Sederunt as recorded above.]

Decreta, November 1633-April 1635. Fol. 214, b.

Complaint by Robert Fletcher of Ballinche and Mrs. Elizabeth Lindsay, his spouse, against Lord Spynie for witholding an assignation for the sum of 10,000 marks.

Complaint by Robert Fletcher of Ballinsho and Mrs Elizabeth Lindsay, his spouse, as follows:—Ludovick Lindsay, brother german of the said Mrs Elizabeth, assigned to the complainers two obligations made by the deceased Sir John Lindsay of Bath, knight, and the deceased George, Earl of Craufurde, to the said Ludovick and his brothers and sisters, upon the payment to them of certain sums of money of which his part amounted to 10,000 merks with interest since the date of the assignation. This assignation the said Mrs Elizabeth caused David Yeoman, notary in Dundie, intimate to Alexander, Lord Spynie, before famous witnesses within the burgh of Dundie on 15th May last, whereupon "the said Earle, desyring inspection thairof, especiallie as he pretendit to knaw the date and witnesses insert thairin, and perceaveing the same to be in the notars hands, he violentlie threw and thrusted the same out of his

Decreta, November 1633-April 1635. Fol. 214, b.

hands and went away thairwith. And when, as the said Mistris Elizabeth preist to oppose his violence, he violentlie thrust his elbow in her syde and hurt her verie dangerouslie, she being great with chyld, and ranne in haist to ane other roume, whither the said Mistris Elizabeth having followed him and in faire terms desyred him to redelyver the said assignation, promissing if he restored the same she sould frielie forgive him this wrong, he, in furie, with manie execrable oaths, threatned her of her lyffe, drew his suord, and vowed to God if

Fol. 215, a.

her husband entered in such a course against thame he sould thrust the same throw his bodie, and desyred the said Mistris Elizabeth to prove her assignation for he would not restore the same; bot keeps the same intending to frustrat the compleaner of the soumes of money conteaned thairin." The pursuer and defender both compearing and having been heard, the Lords continue the case until the second Council day of June next. And James Lyon of Auldbar compearing personally became cautioner in 10,000 merks for the said Lord Spynie that he would appear that day and produce the said assignation "haill in itselfe, uncancelled, riven or destroyed in anie poynt," and that he nor none of his causing would molest Sir Andrew Fletcher of Innerpeffer, knight, or any of the pursuers or those belonging to them; while the said Lord Spynie bound himself also to relieve his cautioner in the premises.

Fol. 215, b.

Complaint by Mr. James Mouat of Garth, commissioner for the distressed persons in Orkney and Shetland, in which he craves the trial of Andrew Bruce of Mounes and others, who have been guilty of oppression of the said persons in Orkney and Shetland.

Complaint by Mr James Mouat of Garth, commissioner appointed by his Majesty's distressed subjects within Orkney and Zetland "for giveing remonstrance to the saids Lords of the intollerable bondage and thraldome wherein his Majesties distrest subjects of the saids countreyes hes lived thir diverse yeeres bygane," as follows:—He and some famous and worthy persons joined with him made their address to his Majesty with their grievances, who, finding it expedient that an investigation into the same should take place on the spot, made choice of and appointed Sir Robert Gordon, knight, as his Majesty's commissioner for this service. But, many occasions falling out whereby Sir Robert was disabled from attending to the business, it had lain over for a long time, and the heavy hand of God lying on their countries for the past two years made the complainers forbear to follow it out. "Bot now it hes pleased God to offer to the compleaners the occasion to waken this mater in so farre as Androw Bruce of Mounes, the choise ringleader in all the disorders and oppressions within these bounds, accompanied with Alexander Tyrie and William Tyrie, his sister sone, declared fugitive for thift, and robberie, Mathow Robertsone in , Patrick Sands, notar, John Smith, John Banks, and William Kirknes, fugitives and oppressors of his Majesties subjects, are all heir in toun, manteaned and assisted by the said Androw Bruce, who, haveing lurked thir seven or eicht weeks bygane in Angus and Stratherne for eshewing the occasion to be warnit before the saids Lords, and thinkeing that now at the last day of the

Fol. 216, a.

session the saids Lords would not take the paines to take notice of thir

maters, they now kythed in publict and hes given out verie scandalous informations aganis the compleaner misconstruing all thair proceeding as alledgit buildit without ground. Lykeas the poore oppressed people and the compleaner in thair name craves bot a legall and formall tryell in the countrey where they duell be suche commissioners as sall be lawfullie electit and chosin to that effect and that the said Andro and his complices attending heir with him may be putt under sure band and caution for thair compeirance to thair tryell upon a lawfull citation." Charge having been given to the said Andrew Bruce, John Smith, William Kirknes, Alexander Tyrie and Patrick Sands, and both pursuer and defenders being present, the Lords after hearing parties ordain the pursuer to insist against the defenders before the Council between now and Lammas next; and decern the said Andrew to find caution for his compearance then in 2000 merks and also in 1000 merks for each of the other defenders, for whom he declared he would accept the burden; the Lords declaring that their finding themselves to be judges in this matter shall be without prejudice of his Majesty's Commissioners for other points of the business. Decreta, November 1633-April 1635. Fol. 216, a.

Protection continued to Thomas Gordon of Dilspro.

"Thomas Gordon of Dilspro his protection prorogat till Lambmes nixt."

Supplication by Sir George Ogilvie of Carnouseis and William Forbes of Tolquhon, John Ogilvie of Birnes and Walter Ogilvie of Ridhyve, his cautioners, as follows:—On his honest intention being known to their Lordships to sell his lands for satisfying the claims upon him as cautioner for his brother-in-law, the Laird of Clunie, their Lordships granted him their protection till Whitsunday next. He had bargained with some men of quality in the matter, but his unfriends wish to force him to sell his lands "for halfe nocht," and, as the business will require some further time, he craves an extension of his protection. The Lords grant him this till 1st August next. Fol. 216, b.

Supplication by Sir George Ogilvie of Carnousie and others for continuance of protection to the said Sir George.

Complaint by George Lesk, merchant burgess of Aberdene, as follows:—Andrew Wilsoun in Keith, Patrick Wilsoun, his brother, John Wilsoun in , Andrew Crystie in , Robert Sherers in , John Tailzeour, servitor to John Wilsoun in , William Ruddoch in Reidhill, and David Riddoch in Fortrie, with a great many accomplices, animated with a deadly hatred at him and resolved to have his life, assaulted him at Lammas last with drawn swords, durks, halberts and other weapons in the town of Keith, while he was attending the market there, and would have killed him but for the timely help of some friends. Again, on 2nd September last, they assailed him in the same town behind his back at unawares with similar weapons, and wounded him on the head, shoulders and other parts of his body. The pursuer compearing and of the defenders John Wilson and Andrew Crystie also being present, the said John Wilsoun produced a "rolment of court of the regalitie of the barronie of Strathyla haldin at the Grange upon the Fol. 217, a.

Complaint by George Lesk, merchant burgess of Aberdeen, against Andrew Wilson in Keith and others for assault.

Decreta November 1633-April 1635. Fol. 217, a.

9 of September, 1634, be Thomas Innes of Pethnick, baillie depute of the said regalitie," showing that the said John was therein accused of the blood-drawing of the said George Lesk at St. Ruffus Fair, for drawing of swords and troubling of the King's market, and that the said John confessed both, notified by the hand of Walter Barclay, notary, clerk of the said court. In respect whereof the Lords ordain the said John to be committed to ward within the tolbooth of Edinburgh until they release him; but they assoilzie the said Andrew Crystie, who denied upon his oath of verity any intention of invading the pursuer or anyone, but confessed having drawn a sword "to redd the saids parties." The Lords ordain also the remaining defenders to be put to the horn and escheated for their contempt.

Fol. 217, b.

Complaint by the commissioners for the retail of tobacco against Patrick Brown and others for contravening the laws anent the selling of tobacco.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for the retail of tobacco (as narrated *ante*, p. 462), against Patrick Broun, elder, George Broune, his son, Alexander Lesence, Thomas Lesence, Robert Dawsoune, Patrick Dawsone, George Sinclair, James Andersone, elder, James Andersone, "chopman," Alexander Robiesone, wobster, James Fergusson, James Sandie, Robert Smith and William Lamb, indwellers in Hadinton, also Thomas Forbrand, Robert Jacksoun, elder and younger, Richard Sandie, Richard Broune and William Nisbet in Dumbar; Archibald Rynd, Thomas Deines, Edward Cunynghame, John Mure, William King, John M°Eane, William Alexander, John Scot, Janet Chanceller, William Menzies, Richard Dobie, Archibald Andersone, John Garnes, Jasper Suittie, Walter Borthicke, Robert M°Colme and Robert Black, indwellers in Edinburgh, for contravention of the said acts against the unlicensed sale of tobacco. The pursuers appearing by his Majesty's Advocate, who also appeared for himself, and the whole defenders also being present and probation being referred to their oaths of verity, the Lords assoilzie such of them as deponed negative; but Archibald Rynd, John Mure, John M°Eane, William Alexander, John Scot, Janet Chanceller, William Menzeis, Richard Dobie, and Archibald Andersone, who acknowledged that they had sold small quantities of tobacco, the Lords decern to have incurred the penalty of 100 merks each, and ordain them to pay the same, of which one half is to go to the informer and the other half to the commissioners.

Fol. 218, a.

Fol. 218, b.

Edinburgh 30th March 1635. Caution by John Gordon of Buckie and his son anent the maintenance of order in the North.

Acta penes Marchiarum, etc., 1587-1636. Fol. 46, b.

Act of caution by John Gordon, elder of Buckie, and John Gordon of Hiltoun, his son, each for the other, that they will observe the Acts of Parliament for the maintenance of order by chieftains of clans and others, as *ante*, p. 477; with clause of relief. (Signed) JHON GORDON, J. GORDOUNE.

Edinburgh, 31st March 1635.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Erroll; Wigton; Lauderdaill; Tracquair; Lord Alexander; Bishop of Edinburgh; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Naper; Clerk Register; Advocate; Justice Clerk. Acta, June 1634-April 1636. Fol. 71, a.

Letter from his Majesty prohibiting the sale of Cantyre to the Lord of Glenluce.

"The quhilk day Johne, Archbishop of St Andrewes, Lord High Chanceller of this kingdome, produced and exhibite unto the Lords of Secreit Counsell the missive letter underwrittin, signed be the Kingis Majestie and direct to the saids Lords, of the quhilk the tennor followes:—CHARLES R. — Right reverend father in God, right trustie and weilbelovit cousine and counseller, right trustie and trustie and weilbelovit counsellers, we greit yow weill. Having upon your advertisement understood the inconvenients likelie to arise by the sale of Kintyre to the Lord of Dunluce, we wer thereupon pleased furthwith to caus stay the bargane wherein we doe acknowledge your care and give yow hearty thankes for the same. We being now willing that the said bargane be made so ineffectuall (notwithstanding whatsoever proceedings betuix the parteis), as the said lord, his airs or successors cannot thereby at anie time heerafter pretend anie interest or clame to these lands, it is our pleasure that yow take suche a course as yow sall find may best conduce Fol. 71, b. to this purpose, and that besides yow give order to our Advocat for drawing a renunciation in a sure and legall maner whiche we will to be sent with all diligence unto our Secretarie for that kingdome for seing the same subscribed be the Lord Dunluce, that it may be returned registred and keeped amongs the records thairof; for doing whairof these presents sall be sufficient warrand. We bid yow heartilie farewell. Frome our court at Whitehall, the 25 of Marche, 1635. Quhilk missive being openned and read in the saids Lords audience and they in all submissive reverence acknowledging his Majesteis royall care and his princelie and just directions and commandement mentiouned in the said letter, they in humble obedience thairof intimat his royall pleasure to Sir Thomas Hop of Craighall, knight baronnet, his Majesteis Advocat, and gave him inspectioun of the said letter to be advised therewith and that he might the better know his Majesteis pleasure thereanent. And his Majesteis said Advocat, having read and considderit the said letter in the saids Lords presence, he promeist to give all dewtifull obedience thereunto. And whereas he alledged that the sight and inspectioun of the contract made anent the bargane and sale of Kintyre with the Lord Dunluce would be ane great helpe unto him in the drawing up of the renunciation mentiouned in the said letter, thairfoir Johne Nicoll, writter to the signet, and Johne Nicoll, his sone, who wer formers and drawers up of the said contract wer sent for and, being demanded upon oath if they had the said contract or anie minuts or scrollis of the same, they both denyed the having of the said contract, and, being commanded be

Acta, June 1634-April 1636. Fol. 71, b.

the saids Lords to looke out all the minuts and scrollis concerning the same and to delyver thame to his Majesteis said Advocat, they promeist faithfullie to doe the same."

"The Lords of Secreit Counsell continewes the report of the Marques of Huntlie his diligence in the execution of his commissioun aganis the brokin men of the name of Gordon untill the first Counsell day of July nixt." The Marquis of Huntly.

Fol. 72, a.

"The Lords of Secreit Counsell continewes the passing of Sir James Lokhart his signature till the first Counsell day of Junij nixt, of the quhilk continuatioun the said Sir James Lokhart, Johne Sinclar and Mr Alexander Guthre for the burrowes, being personallie present, ar warned *apud acta*. And the saids Lords requires the saids Johne Sinclar and Mr Alexander Guthre to advertise the burrowes of this mater and to have thair reasons readie in writt aganis the passing of the said signature the day foresaid, with certificatioun to thame, if they failyie, the saids Lords will proceed without respect to the burrowes interesse." Postponement of the signature to Sir James Lockhart. See *ante*, p. 530.

Decreta, November 1633-April 1635. Fol. 219, a.

[Sederunt as recorded above.]

Edinburgh, 31st March 1635.

Complaint by Patrick Mauld in St. Andrews, as follows:—Mr Patrick Lindsay of Wolmerstoun has long entertained a malicious grudge against him and sought all occasions of troubling him; and learning that in last the complainer's servant, James Murdoche, while going about the fields with a gun in his hand seeking hawks' meat, had been prevailed upon by a tenant to shoot a "cur tyke," which the tenant alleged had done him £100 worth of damage by pulling the tails from his sheep and oxen, the said Mr Patrick, as bailie depute of the regality of St. Androse, cited the said James before him, and fined him for not compearing, "avowing it sould cost the boy his hand." It was then thought meet in order to propitiate Mr Patrick that the boy should place himself in his will, which notwithstanding, the said Mr Patrick "avowed to have the boyes hand in despyte of all the Maulds in Scotland or England"; and Robert Lindsay, son of the said Mr Patrick, came to the city of St. Andrews and, without any warrant, took the boy and put him in the tolbooth, where he still remains. Some friends of both parties then intervened for an amicable settlement, "and accordinglie the saids Mr Patrick Lindsay, Mr John and Robert Lindsayes, his sones, mett with the compleaners in the house of Margaret Blythe in St Androis upon the 24 of December last, where after mutuall salutations, interchange of drinks and full reconcilement, as appeired, one of the friends proponed to the said Mr Patrick that, sieing all differences were composed, he would be pleased to releese the boy. Wherunto the said Mr Patrick ansuered that he had done eneugh in drinkeing to thame, bot for the boy all the Maulds in Scotland or Ingland, yea not King Charles himselfe, sould procure his libertie. Upon the whiche speeches the said Mr John and Complaint by Mr. Patrick Maull, against Mr. Patrick Lindsay of Wolmerston and others for assault.

Fol. 219, b.

Robert Lindesayes, before the compleaner wes awar, shott over the boord on him, closed him to the wall that he wes not able to resist thair furie. They cruellie persewed him of his lyffe with tua drawin whingers and ane suorde, gave him tua bloodie wounds (for the whiche he now compleanes allanerlie), a great stroke in the left arme and ane other throw the left hand, wheranent, becaus mutilation is lykelie to follow, the compleaner declares he will not insist," protesting that this pursuit shall not prejudge him of his criminal action against the persons complained upon before the Justice for mutilation. The said Mr Patrick cherishes and maintains his sons in their proceedings and furnished them with weapons, having said, as the complainer is informed, at the delivery of one of the whingers, "that it had beene dipped in better blood nor the blood of anie Mauld in Scotland or Ingland." And, further, the said Robert Lindsay "in a bragging maner with a durke at his syde casts himselfe oftymes in the compleaners way, useing all meanes to provoke him to new trouble, for avoyding quhairof the compleaner hes withdrawin himselfe to the Elie, contenting himselfe to seeke redresse in a peacable way before the Judge ordinar." Charge having been given to the said Mr Patrick, Mr John and Robert Lindsay, and the pursuer compearing, also Mr Patrick and Mr John Lindsay, and the said Robert by his father, who produced a certificate that he was at the sea, the Lords, after hearing parties and their witnesses, find that the said Mr John assaulted and wounded the pursuer as libelled, and they ordain him to be warded in the tolbooth of Edinburgh on his own charges until they release him. They assoilzie the said Mr Patrick Lindsay, as upon probation being referred to his own oath of verity concerning his arming his sons and uttering the "slanderous speeches" referred to, he denied the same; and they excuse the absence of Robert Lindsay in respect of his being at the sea.

Decreta, November 1633-April 1635. Fol. 219, b.

Fol. 220, a.

Fol. 220, b.

MISCELLANEOUS PRIVY COUNCIL PAPERS.

A.D. 1633-MARCH 1635.

PRIVY COUNCIL PAPERS.

Miscellaneous Papers.

1. "CHARLES R.— [1] right welbeloved cousin and counsellour, right trusty and welbeloved cousins trusty and welbeloved counsellours, wee greete yow well. that was debated before yow concerning the sheriff-courts Lanark, whither they should be holden at the town of Hamilton Lanark, the decision whereof yow did delay till our right trustie and right cousin and counsellour, the Marquise of Hamilton, who was then absent heard for his interest at his returne; and wee being moved therein upon consideration and having heard that it is prejudiciall to the inhabitants of ather ward of that shire, our pleasure is that yow proceed no further in the said cause nor that anie innovation be made therein but continue as hitherto it hath been, till our coming there or till wee shall signifie our further pleasure therein, that thereafter (all parties being heard for their interest) the best course may be taken herein which is most agreeable with the lawes and practique of that kingdome and best ease of our subjects. And so wee bid yow farewell. From our Court at Whythall, the eight day of Januar, 1633." Addressed to the Viscount of Duplin, Chancellor, the Earl of Strathern, President of the Council, and the rest of the Privy Councillors of Scotland. 8th January 1633. Letter from his Majesty anent the sheriff-courts of Lanark.

2. Supplication by Robert Craw of West Restoun, as follows:—He is charged to appear before the Commissioners for Surrenders and Teinds to-morrow, the 8th instant, to testify to the value of the teinds of the kirk of Coldinghame; and he is willing to do so but cannot with safety on account of some hornings he underlies as cautioner for Mr Alexander Home, minister at Aittoun. He therefore craves their Lordships' protection for a time. [On the back] "*Apud* Edinburgh, *nono Januarij*, 1633; *Fiat ut petitur* to Saterday come eight dayes at night. LAUDERDAILL, SOUTHESK, TRAQUAIRE, BINNING, MELUILL." 9th January 1633. Supplication by Robert Craw of West Reston for protection.

3. Supplication by John Stewart of Coldinghame and Francis Stewart, his son, as follows:—Their Lordships' protection granted to them is about to expire, and he has been ordained to follow out the valuation of the kirks of Coldinghame before the great Commission. To-morrow is one of the diets, and on almost every sitting-day of the session he will have one diet or other about the valuation of the kirks of the priory. Moreover, on last Council day their Lordships remitted the articles given in by the supplicant anent the intromissions of Robert Dowglas with his 9th January 1633. Similar supplication by John Stewart of Coldingham and Francis Stewart, his son.

[1] The original letter is torn.

estate to the Lords of Council and Session, and so he must attend upon this and other necessary business. They therefore crave an extension of their protection. [On the back] "*Apud* Edinburgh, *nono Januarij*, 1633. *Fiat ut petitur* till Saterday come eight dayes at night. LAUDERDAILL, SOUTHESK, TRAQUAIRE, BINNING, MELUILL." Miscellaneous Papers.

Whitehall, 21st December 1632. Letter of his Majesty anent the trial of Mr. George Nicoll.

4. Original of royal letter respecting the trial of Mr George Nicoll, printed *ante*, p. 8. Marked at the foot, "xv Januair 1633. Produced this day and ordanit to be gevin up to the Advocat to be maid use of be his lordship in the criminall judgement." Addressed on the back to the Viscount of Dupplin, Chancellor, the Earl of Strathern, President of the Council, and remanent members of the Privy Council of the kingdom of Scotland.

26th January 1633. Supplication by Robert Buchan, burgess of Aberdeen, for payment of £400, due to the supplicant by his Majesty for pearls received from the said supplicant.

5. Supplication by Robert Buchane, burgess of Aberdeen, as follows:—His Majesty is due to him for pearls by the valuation of his Majesty's jewellers £400 sterling, as his precept directed to their Lordships in February, 1627, and allowed by them in July following, in which they ordained the Treasurers, principal and depute, to pay the same, shows; and now there is due for additional pearls supplied to his Majesty by the like valuation, the further sum of £85 sterling. Their Lordships caused this precept to be registered in the books of Exchequer on 17th July, 1630, along with another from his Majesty of the same date, and the supplicant craves that their Lordships would now cause payment to be made to him of these sums with due interest, so that his own debts contracted on account of these pearls may be liquidated, and that he may thereby be enabled to repair to his Majesty's Court with other pearls of price and worth. [On the back] "*Apud* Halyrudhouse, 26 January, 1633. *Fiat ut petitur* for the principall sowmes and ane act to be maid heirupon. ARCH. ACHESON, I.P.D."

31st January 1633. Anent the removal of persons from the castle of Edinburgh.

6. Extract under the Signet, subscribed by James Prymrois, of the Charge to persons dwelling within the Castles of Edinburgh and Sterline, and the palaces of Halyrudhous, Linlithgow, Falkland and Dumfermeline to remove themselves and their belongings (printed *ante*, p. 21).

4th February 1633. Supplication by —— of Hervieston for summons against Robert Leith, chamberlain to the Earl Marischal, who refuses to pay a certain sum for the

7. Supplication by[1] of Harviestoun, as follows:—He has been a long time prisoner in the tolbooth of Edinburgh, having been apprehended upon a commission granted to the Erle of Marishell, when he had a protection past his Majesty's hand ready to have received the great seal. Having nothing of his own to maintain himself, his whole estate having been seized by his creditors, the Lord Chancellor, he is informed, long ago gave commandment to Robert Leith, chamberlain to the said Earl, to pay to the supplicant a certain sum. The said

[1] Original torn.

Miscellaneous Papers.

Robert acknowledges having received the warrant but refuses to pay. He therefore craves summons against him to do so. [On the back] "*Apud* Halyrudhous 4 Februar, 1633. *Fiat ut petitur*. WINTOUN, I.P.D." maintenance of the supplicant while in ward.

8. Supplication by John Gordoun of Parke, as follows:—Their Lordships have bound him and his brother, Patrick Gordoun, over to keep the peace with all the lieges, and for the indemnity of the Laird of Bamff under a penalty of 3000 merks. There is the like necessity for the Laird of Bamff being bound over to them in the same way, and he craves that he be required to find caution of lawburrows to him and his brother in 3000 merks in their Lordships' books. [On the back] "*Apud* Halyrudhous 14 February, 1633. *Fiat ut petitur* for laborrowis allanerlie under the pane of three thousand merks. WINTOUN, I.P.D." 14th February 1633. Supplication by John Gordon of Park that the Laird of Banff should find caution of lawburrows to the supplicant and his brother.

9. Original of royal letter relating to the writs of the late Earl of Hume, printed *ante*, p. 47. Directed on the back to the Viscount of Duplin, Chancellor; the Earl of Stratherne, President of the Council, and the remanent Lords and others of the Privy Council of Scotland. At the foot there is noted, "Producit be the Secretar the aught of March and be him delyverit to the President of the Counsell, who, in respect the Counsell sat not that day, delyverit the same to the Clerk to be exhibite to the Counsell upoun the xij of Marche instant." 15th February 1633. Letter from his Majesty anent the writs of the late Earl of Hume.

10. "To all and sundrie quhome it effeiris, be it knawin that we, baillies of the burghe of Banff for the tyme undersubscryven, be thir presentes testifie and declair that upone the fourt day of Junij or thairbye, in the yeir of God j^{m}vj^{c} and tuentie nyne yeiris, Magnus Fraser in Stanyeley, haveing in peceable and quyet maner cum to the said burghe of Banff for doing and expeding of his laufull affairis and adois for the tyme and being walking on his Majesties hie calsay in peceable maner, as said is, Thomas Steuart, fier of Ryland, haiffing lyikwayes upone the said day cum to the said burghe and finding the said Magnus to be within the fredome of the samen for the tyme causit ane of the ordinar officieris of the said burghe apprehend and taik the said Magnus Fraser and put him in firmance and ward within the tolbuithe of the said burghe, detein him thairintill ane certane space thairefter, and that but onye directioun comand or allowance of us or onye of us or onye uther magistrat or office beirer within the said burghe haveing power for that effect, and but letters of captione or onye wther warrand of his Majesties lawes direct to that effect in sa far as we culd trye and understand, and held the said Magnus in firmance, as said is, till the samen came to our knawledge, at quhat tyme and eftir sufficient tryall taikin of the premisses we releiset the said Magnus out of ward and set him at libertie agane as ane of his Majesties frie 1st March 1633. Letter from the bailies of Banff anent the warding of Magnus Fraser in Staneley by the order of Thomas Steuart, fiar of Ryland, and disclaiming all part in the said warding.

leiges. In faithe and witnes quheroff (testefeing the premisses to be of veritie) we haif subscryvit thir presentes with our handis at Banff the first day of Merche, the yeir of God j^m^vj^c and threttie thrie yeiris." (Signed) " A. Baird, ballie ; Alex^r Wynchester, balliwe ; J. Wynchester cls." Miscellaneous Papers.

Whitehall, 4th March 1633. Letter from his Majesty anent the form of the coronation.

11. Original of royal letter approving of the form of the coronation (printed *ante*, p. 55). Addressed to the Viscount of Duplin, Chancellor, and remanent earls, lords, and others of the Privy Council of Scotland.

7th March 1633. Bond of caution by Patrick Leith of Boigholls for Norman Leslie of Tulloch.

12. Bond of caution of lawburrows by Patrick Leith of Boigholls in 1000 merks for Normand Leslie of Tolloch that the latter will not molest Adam Abircrumbie of Auld Rayne in terms of the previous letters, dated at Halyrudhous, 26th January, 1633, with clause of relief. Written by Walter Wallat, servitor to the said Norman Leslie, and dated 7th March, 1633; witnesses, Robert Spense and George Spense of Tollach. On the back is warrant by Thomas Sandilands, as procurator, for registration in the books of Privy Council of the bond, which is presented by Mr Robert Petrie ; dated 21st March, 1633.

8th March 1633. Bond of caution by George Leslie, burgess of Aberdeen, for Mr. Andrew Logy, parson of Rayne.

13. Bond of caution by George Leslie, burgess of Aberdein, in 1000 merks for Mr Andrew Logy, parson of Rayne, that he will not molest Adam Abircrombie of Auld Rayne nor any of his, in terms of summons before the Lords of Council, dated at Edinburgh, 26th January last; with clause of relief; dated at Aberdein, 8th March, 1633 ; witnesses, George Leslie, sometime of Cachie, William Forbes, son of Abraham Forbes of Blacktoun, and John Donnaldsoun, notary in Aberdein, who wrote the bond. (Signatures) On the back is warrant by Mr. Robert Burnet, advocat, as procurator for the parties, for registering the bond, which is presented by John Litiljohn, his servitor, at Edinburgh, 14th March, 1633.

14th March 1633. Summons at the instance of Mr. James Simson and Mr. Robert Douglas, ministers at Kirkcaldy, and Alexander Law and William Williamson, bailies of Kirkcaldy, against David Bennet for illegal horning.

14. Summons at the instance of Mr James Simsoun, and Mr Robert Dowglas, ministers at Kirkaldie, and Alexander Law and William Williamesoun, bailies of Kirkaldie, against David Bennet, as follows:— They are charged by their Lordships' letters at the instance of the said David Bennet, under pain of horning, viz., the ministers to require the said Alexander Law and William Williamesoun, and Law and Williamesoun thereupon " to repaire to the kirk of Kirkaldie upon ane Sunday in tyme of sermoun " to acknowledge their slandering of the said David Bennet and crave pardon from God and him for the same, within six days ; and the said David intends to execute the horning against them for their alleged disobedience. Now in this he acts wrongfully, for the decreet of the High Commission of the Kirk, upon which these letters were raised, was given when they were in treaty with the said David to

Miscellaneous Papers.

pass from a process intented by them against him before the Lords of Council and Session for making of false bands, which would have cleared the alleged slander. If they had known that he would steal forth such a decree against them they would have proved the same before the High Commission and showed that they had done no wrong to him, because in August last, when the said Alexander Law and William Williamesoun asked John Hagie, skipper in Dysert, if he had in his keeping two bonds granted to him by one of his creditors drawn up by the said David Bennet, and if they were forged by him, he answered that they were true bonds and that he had them, upon which they took instruments in the hands of George Lambie, notary. They have further recovered decree against the said John Hagie before the Lords of Council and Session for exhibition of the said bonds, dated 22nd February last, so that until this matter is tried they cannot be convicted of slandering the said David. Further, they are informed that the Archbishop of St. Andrews is to give order for discharging the booking of that decreet of the High Commission, which did not require the ministers to cite the said Law and Williamsoun but only ordained the latter to confess the slander when required by the ministers. They have, however, found caution, and crave suspension of the horning. The said David Bennet is accordingly required to compear before the Lords on 4th June next and to produce the letters of horning, etc. Dated at Halyrudhous, 14th March, 1633. (Signed) JA. PRYMROIS. [On the back] Note of execution hereof on 25th May, 1653, by Thomas Allane, messenger, against the said David Bennet, at his dwelling house in Kirkcaldy; witnesses, Mr John Aytoun of Kynnaldie and Thomas Meassone in Kirkcaldy. (Signed) Tho. Allane, messr.

15. Another paper on the same matter discussing the case and stating (1) That the charge against the said ministers is most informal in charging them to require the said Alexander Law and William Williamsoune to repair to the parish kirk of Kirkaldie "upon ane Sonday befoir none in tyme of sermoun," etc., seeing the decreet of the Commission only requires them to do so after the afternoon's sermon; and though the charge was formal yet can not the said ministers oblige or urge any party to confess a scandal or crave pardon unless by an ordinance made in their own Session or Presbytery, especially seeing the said ministers were neither called before the High Commission nor cited before the Lords of Secreit Council to see themselves decerned to do so; (2) It is also informal against Law and Williamson inasmuch as they were only ordained to confess, etc., on being required so to do, and this they have not yet been, and David Bennet cannot prove the contrary nor produce the said ministers' certificate of their disobedience; and (3) Though Law and Williamson may have slandered the said David Bennet in calling him a false knave and a maker of false bands and obligations,

Anent the same.

still should they not be required to crave pardon therefor till the issue of their action before the Lords of Session against John Hagie, skipper in Dysart, who has in his possession two false bands made by the said David Bennet, and against the said David Bennet for his interest, commenced on 22d February last. They have raised horning and caption against Hagie for disobedience, which he has by collusion with Bennet suspended, and they intend to discuss the same with all diligence. Miscellaneous Papers.

17th March 1633. Charges of witchcraft against Marion Layland and Catherine Miller.

16. "The dittayis giwen in to our sessioun off Sanday the 17 day off March, j^{m}vj^{c} threttie and thrie yeiris, upon Marrione (Richart) Layland off wichcraft.

This conference with the devill, if it be cleirly provin, merits death.

The quhilk day annent the tryell off James Fischer, the said Marriones oy, that quhair the said James Fischer confessit and told befoir the sessioun that upon ane sax or sewin yeir since that the said James being keiping Magnus Smyth his suyne and going upe along ane old house, callit the house of Howing Greinay, the quhilk old howse being standing woyd and weast and the wather being cold and stormie, the said James went in to the said old house to flee from ane cold schowr and quhen he cam in to the old house he saw the said Marrioun, his guiddome, siting within the fornameit old howse, accompanied with Cattrein Miller, and deponit that he did sie ane blak man siting betuixt the said Catrein and the said Marrione and deponit that the said Catrein cryit fearcelie, 'Cause take him for he will tell upon us;' the said Marrioun answerit and said, 'Let him allone for he will not be beleiwit.'

Item, itt is deponed be Margrett Sinclar, spous to James Fea, that that nightt that tha wer in the stockis Catherine Miller said to Marion Layland, 'The plague of God upon thy oy, for giff yow had done that quhilk I bad ye he had nott beine trowbling us now!'

Abusing of the people by charming.

Lykwayis the said Marrioun Layland did wasche the feit of James Davidsounes cat into his bait water becaus he could not get no fisch that yeir thinking thairby and saying that the said James in tyme coming wold get more fisch in respect off hir work in wasching off the catis feit into his bait watter; and quhen scho had waschin the cat thairin did take the water quherin the cat was waschin and did cast it after him quhen he did goe to the sea.

Lykewayis the xxiiij day off March Magnus Smyth deponit that the boy presentlie upone the mornning thairafter told the said Magnus that he did sie the dewill and told him the quhole faschioun. Lykwayes the samen day David Jock and his wyff tryitt and confessit that upon fyve or sax yeir since that the said Marrioun cam to the said David Jok his house and the said David was going to the sea and was making mone that he had not luck to get fisch that yeir. The said Marrioun ansuerit and said that that might be eassillie mendit and callit for the thing that geid about the fyre quhilk was the cat and said that scho wold wasch the cat his head and feit into the water quharin the bait was to be leipit

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and said that scho wold take that watter and cast itt about him and upon him and into his sea caschie and into his bait coubbie and quhen he cam to the sea he should get fisch.

Witchcraft, if it be qualified to be true.

Farther, it is deponit be Margret and Elspet Sandisones that the said Elspet upon fyve or sax yeir since contrakit ane deadlie disease in so farre that scho was senceles and myndles for ane long speace, the said Marrione cam to the said Elspetis house and made ane watter quhilk scho callis ane remeddie for forspeaking. The said Marrioun tuik watter into ane round coupe and went out into the byre and tuik sumthing out off hir purse lyke unto great salt and did put it into the watter and did spit thrie severall tymes into the watter, and scho confesit herselff quhen scho had dune so scho aundit in bitt quhilk is ane nourne terme and to [be] exponit into right longuag is alse mikill as scho did blaw hir breath thairin, and sent it into the woman with the serwant woman off the house, and directit that the woman should be waschin hand and face thairin and scho should be restorit to hir health againe. This the said Marrioun confesit befoir the sessioun and it is grantit be the woman that the watter was made unto, that the said Marrioun said unto the lass that iff ever the lass reveillit it againe scho should never thryve and so schune after that the lass reveillit the wordis scho dieit.

Abusing of the people.

Quhilk day it is oonfesit be Robert Drewer and his wyff that threttein yeir since the said Marrioun and Robert Drewer was duelling both at ane house and ane biging, that thair was ane powr woman that was travelling off chyld in the said Marriones house and desyrit ane soupe off milk from the said Marrioun, quhilk in no wayis the said Marrioun wold grant. The pure woman sent in to the saide Robertis house and got ane soup off milk from his wyff and immediatlie tharefter the said Robert his wyff lossit hir proffit off hir haill milk. Quherfor the said Robert Dreweris wyff cam in to the said Marrioun Layland and did lament for hir profeit that scho wantit. The said Marrione ansuerit the woman and said, 'Goe thy way to the sea and tell nyne boares off the sea come in, that is to say, nyne waves off the watter and let ane off the nyne goe back agane and the nixt therafter take thrie luiffullis off that watter and put within thy stowpe and quhen thow comes heame put it within this kirne and thow will get thy profeit agane.'

The last day off March compeirit Helin Hamiltoun, spouse to James Keith, and deponit that scho and hir haill famillie was straitit with drouth for the space of xx dayis ore ane monnth that no drink could quench thar drouth, quharfor the said Helin and hir husband alledgit the said Marrioun for the great thrist that they had. Upon ane Sunday the said Marrioun cam to the said Helines house and had ane muchkin off small aill with hir into ane chapping can and offerit it to the said Heline and hir famillie to drink, and the said Helin refusit to drink it; bot the said Marrion urgit it more and more upon hir and said that scho had ane sonsie hand and hir mother befoir hir day and made everie ane off thame to

drink thairoff, and immediatlie thairafter thair thrist was easit and the heavie wycht that was upon them was easit during the tyme off thair thrist and drouth.

The samen day Williame Fotherg benorth deponit be him that the said Marrioun cam to his house to get almis, and his wyff, not being at leasur to guve hir almis, scho went to the dore and did say going to the dore that scho should loss alse mikill schortlie, and aught dayis after that his best cow dieit.

Abusing of the people. Quhilk day deletit be Margret Thomsone, spouse to James Rowsay, to James Cok in Lopnes, Nicoll King and Magnus Skea, quhilk are thrie elderis off our sessioun, that the said Marrioun cam to Stronsay to the said Margretis house, and the said Margret had nyne ky quhilk was not riddin, and scho said to hir, 'Giwe me almis and befoir this day fyftein dayis ilk kow on your aught sall be riddin, quhilk almis scho gave hir, and befoir that day aught dayes ilk kow that scho had was riddin.'

Abusing of the people. The 7 day off Apryll, j^{m}vj^{c} threttie and thrie yeirs, quhilk day annent the dittayis off wichcraft given in to the sessioun upoun Catrein Miller compeirit Hew Peace and Wrsulay Fea, his spowse, and deponit that upon ane sax yeir since that the said Vrsulay wantit the profeit of hir milk and the said Wrsulay sent hir servant woman and milkit the said Cattrein Milleris kow and did put it in to hir kirne and immediatelie quhen scho kirnit the milk scho got ix markis butter quhar befoir off alse mikill milk alse mony dayis milk alse mony mealtitis off milk during the tyme that scho wantit hir profit did not get bot tua markis butter and quhen scho had the best scho got not bot tua markis butter ay and quhill that scho got the milk off hir cow. And four and xx houris after the said Wrsulay contrakit ane deadlie disease quhilk conteinuit for the speace off sax weikis and at the end off the sax weikis the said Marrione cam to the said Wrsulay and desyrit ane drink off milk from hir kirne and said if scho got it scho should get hir health, and scho gave hir ane drink off milk and scho was presentlie better off hir disease, and losit the profit off hir milk and wantis itt as yitt.

Abuse. Farther deponit be Margret Orrok, laufull daughter to William Orrock, that the said William had ane horse quhilk was seik; the said Catrein bad the said Margret get thrie sundrie sortis off sillueris and put them within ane siwe and sift them over the bak off the horse, quhilk wes seik and he would be haill.

The 14 day of Appryll, 1633. Deponit be Barbaray Sinclair, spouse to the said William Orrock, that scho had ane kow that was standing haill into the byre and the said Catrein cam in to the said Barbarayis house to cnok sum bair, and presentlie the kow fell seik; quhen scho gied away with the corne that scho was knoking and the word did ryse that the kow was seik the said Catrein cam to the house

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and quhen scho cam in and saw the cow scho was restorit to health againe and did eat her meat weill eneugh.

The 19 day of Appryll. Deponit be Margret Browne, spouse to William Flet, that quhar the said Margret discordit with Catreine Miller the said Margret contrakit ane deadlie diseas and scho said to the said Margret, 'Evill might thow put the yeir aff the.' Thairefter scho contrakit ane senslesnes quhilk continuit for the space off ane halff yeir and at the halff yeiris end the said Margret cam to hir and the said Catrein tuik her by the hand and immediatelie got hir health and ay since was weill.

Witchcraft, if it be proven.

The samen day compeirit Catrein Sowenis and deponit befoir the sessioune that the said Catrine Miller wrongit hir in respect that scho found fault with hir becaus scho did take keall out off her maisteris yaird and hir daughter did tak keall out off the yaird and did goe hame to Catrine Milleris house with the keall and told hir mother that the said Kaitrine Souanes fand fault with hir for takeing away off the keall. The said Catreine Miller sent hir daughter bak to the house with the keall and did cast the keall upon the said Catrine Sowenes breist, being nurisch to Johne Browne in the tyme, and presentlie scho losit hir milk for the speace of xiiij dayis, and at the isschow off the xiiij dayis the said Catrine Miller cam to the house quhar the nurisch was and told the guid wyff off the house that scho had dreamit that iff scho wold giwe hir daughter almis the nurisch showld get hir milk againe, and quhen scho got almis scho got hir milk againe als weill as it was befoir.

The samen day compeirit David Peace and deponit that the said Catrine Miller had ane sone keiping his ky and becaus that he did put away the boy frome the ky scho said that he should rew it; and immediatelie ane off the ky dieit and schort after the rest dieit also.

The 21 day off Appryll. Deponit be James Fea, bailyie, that the said Catrine Miller had ane sone keiping Johne Broune his ky and guidis, and the boy was put from the guidis and scho did curse and pray ewill for the guidis, and therafter the most pairt off them dieit and the rest that leiwit did never guid not yit yeild milk since the boy ged from them. Farther it is deponit be Wrsulay Fea that the said Catrein Miller cam in to Hew Peace hir husbandis house and did pray ewill for John Brounes guidis and said, 'God let his guidis newer thryve better nor hir sone did.'

Quhilk day deponit be Jennet Fotherg, spouse to Johne Peace, yownger, that quhar the said Jennet was angrie with hir for comming so earlie ilk mornning to hir guidmotheris house befoir the sone ryseing, presentlie the said Jennet falis into ane extraordinarie diseas so that scho might not goe out off hir gudmotheris house into hir awin house, quhilk was both closs togidder, bot did creip upon handis and feit quhill scho cam to hir bed; and the said Catrine cam in to hir and did lay hir

hand upon hir head and did caus give hir ane sowpe off milk and scho grew alse weill and in alse guid health as ewer scho was befoir, and all this was dune within the speace off tua houris. Miscellaneous Papers.

Farther deponit be William Roy, elder, that the said William discordit with hir and scho did strik him upon the back betuixt the shoulderis with hir hand and presentlie the power off his body was takin away in so farre that he could not [do] no duetie off ane man towardis his wyff quhar tua nightis befoir he was alse ape and abill for his wyff as ewer he was befoir and neuer since the discord was weill as he should be."

26th March 1633. Caution by Thomas Gordon, brother-in-law of the Baron of Brackley, for George Leith of Overhall and Alexander Leith of Newtown of Premney.

17. Bond of caution by Thomas Gordoun, brother german of the Baron of Brachley, in 1000 merks each for George Leithe of Owerhall and Alexander Leithe of Newtoun of Premney, that they will not molest Adam Abircrombie of Rayne, nor any of his; with clause of relief, dated at Edinburgh, 26th March, 1633; witnesses, Alexander Gordoun of Abirzeldee, Mr William Burnet, James Brown, and John Burnet, writer of the bond. [Signatures] On the back is a warrant dated at Edinburgh, 27th March, 1633, signed by Jo. Falconar, for the registration of the bond in the books of Privy Council.

28th March 1633. Royal Letter anent Captain James Forbes.

18. Original of royal letter for Captain James Forbes raising two hundred men for the Russian service under Sir Alexander Leslie, printed *ante*, p. 80; addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Stratheren, President, and remanent Earls, Lords and others of the Privy Council of Scotland.

28th March 1633. Summons at the instance of Alexander M'Lean and others against Patrick Agnew of Barmaill and others.

19. Summons at the instance of Alexander McClaine and others against Patrick Agnew of Barmaill and others, as narrated in his complaint printed *ante*, p. 181. The summons is dated at Edinburgh, 28th March, 1633; but there must be a mistake in the month. It is signed Ja. Prymrois. On the margin is noted the hearing of the case on 14th January, 1634, and on the back there is noted the depositions of some witnesses, viz.:—

John Maxwell, who depones that he knows the whole defenders and pursuers and saw Patrick Agnew strike . . . (torn) . . . and "cast him to the ground, tir him of all his cloathes and tak his purse . . . . and deponis that Patrik Agnew, his servand, wearis the poore manis cloathes."

Robert Maxwell, who depones that he knows the defenders, "and saw them . . . . McClayne, who wes lying bleeding, having sevin strakis upoun the heade." He was not present when he was stripped, but heard of it.

John McRobert and John McConnoquhy depone similarly.

3rd April 1633. 20. Summons at the instance of Magnus Fraser, sometime in Stanyley,

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and others against Thomas Stewart, fiar of Ryland, as narrated *ante*, p. 180; dated 3d April, 1633, and signed Ja. Prymrois. On the margin is noted the hearing of the case on 14th January, 1634. On the back there is noted the depositions of witnesses, viz., of (1) John Gill, who saw Thomas Stewart and others take the said Magnus and put him in ward, there being no bailie or officer present.

Summons at the instance of Magnus Fraser, sometime in Stanyley, and others against Thomas Stewart, fiar of Ryland, and others.

(2) George Davidsone, who depones "that ane other officer without the warrand of a baillie, came to the deponers house, tooke furth thairof the key of the tolbuith and put Magnus Fraser in waird; upoun notice quhairof the baillies were heighlie offended and caused put him quicklie to libertie."

(3) Thomas Smyth, who depones that he saw Magnus Fraser taken "aff the calsay," and put in the tolbooth.

(4) James Myntie, who depones that as to the casting down of John Wallace's house, he was required to do so by Thomas Stewart and his father, whose officer he formerly was, and that accordingly with the assistance of some others he did "tir the house."

(5) James Miln, who depones that he was present and helped at the casting down of the house, which was done by direction of Thomas Stewart and his father.

(6) Walter Couper, who depones that the house was tirred by the command of Thomas Stewart.

(7) Alexander Shireff, who depones that he saw the persons foresaid tirring the house.

There are also noted on the back of the summons two executions thereof by William Cumyng, messenger, (1) on 24th December, 1633, against Thomas Steuart of Ryland and Archibald Gabriell in Dewchries, both personally apprehended in the dwelling house of Dewchries; witnesses, John Gordoune in Barbethill and James Gibboune, servitor to the messenger for the time; and (2) on 30th December, 1633, against Alexander Shirray in Craigheid, Walter Steuart in Ryland, Patrick Seller in Muriehill, James Alschioner, there, James and Alexander Mintie, sons of James Mintie, elder, there, as witnesses on behalf of John Walace; also, the bailies of Banff as one of the parties; and Thomas Smythe at the Mill of Ryland, Patrick Gill in Blacktoune of Ryland, George Davidsone, officer in Banff, and George Turnour, Alexander Ritchie and James Mitchell, burgesses there, as witnesses on behalf of Magnus Fraser, all personally apprehended; witnesses, James Steuart of Ryland, James Mintie, elder, there, Patrick Schand, burgess of Banff, and the foresaid James Gibboune.

21. Bond of caution by Thomas Gordon, brother german of William Gordoun of Breachlie, in 500 merks for George Leslie, servitor to John Leith of Harthill, that he will not molest Adam Abircrombie of New-lands nor any of his; dated at Edinburgh, 4th April, 1633; witnesses,

4th April 1633. Caution by Thomas Gordon, brother-in-law of William

Gordon of Breachlie, for George Leslie, servitor of John Leith of Harthill.

Alexander Irving of Lenturk and Mr Robert Petrie, who wrote the bond. [Signatures] On the back is warrant of registration by Mr John Paip, as procurator, dated at Edinburgh, 14th April, 1633. It is to be registered in the books of Secreit Council. Miscellaneous Papers.

5th April 1633. Royal letter anent Nicolas Briot.

22. Original of royal letter in favour of Nicolas Briot, Frenchman, printed *ante*, p. 108; directed on the back to the Viscount of Duplin, Chancellor, the Earl of Airth, president of the Council, and the remanent Lords and others of the Privy Council.

19th April 1633. Caution by William Erskine of Craikslay for Mr. Alexander Strachan in Forbogis and Alexander Bruntfield in Pettod.

23. Bond of caution by William Erskine of Craikslay for Mr Alexander Straquhan in Forbogis and Alexander Bruntfeild in Pettod that they will not molest Adam Abercrombie of Auld Raine, his wife, nor household, under the penalties contained in the letters given out thereanent which are dated at Edinburgh, 26th January, 1633. The bond is dated at Pettodrie, 19th April, 1633; witnesses, George Meldrum, servitor to the Laird of Pittodrie, John Gordon, son of the deceased Patrick Gordon of Birsmoir, and Mr Gilbert Thom, schoolmaster at Pettodrie, who wrote the bond. [Signatures.] On the back is a warrant for the registration of the bond in the books of Privy Council, dated at Edinburgh, 26th April, 1633, and signed M. J. SANDILANDS.

2nd May 1633. Caution by James Crawford, burgess of Edinburgh, for William Hog in Pleasance.

24. Act of caution by James Crawfurd, goldsmith, burgess of Edinburgh, in five hundred merks for William Hog in Plesance, that he will not molest James Dowglas, one of the macers of Privy Council, Katharine Gilbert, his spouse, nor his children, servants, etc., dated at the Plesance, 2nd May, 1633; witnesses, James Millar of Gourlaybanks, Mr James Carmure in Edinburgh, and John Mur, burgess, bailie of North Bervick, Gabriel Blair, notary, being writer of the bond. [Signatures.] At the foot is a warrant for registration in the books of Privy Council by Mr John Paip, younger, advocate, as procurator, dated at Edinburgh, 4th May, 1633, and the bond is presented by Mr John Callender, servitor to James Prymrois, clerk of Council.

7th May 1633. Caution by Thomas M'Caw in Arneschein and John M'Caw in Craigance, his son, that they will not molest Hew M'Caw in Castle-Donnell.

25. Bond of caution by Thomas McKaw in Arneschein and John McCaw in Craigance, his son, in five hundred merks for each other, that they will not molest Hew McKaw in Casteldonnell, nor his wife nor any of his; dated at Mayboill, 7th May, 1633; witnesses, Patrick McIlvane, bailie in Mayboill, John Cochrane, son of John Cochrane, messenger there, John Aird in Gaige, and Adam Hendersoun, tailor there. The principals sign with the assistance of John Schaw and John Cochrane, notaries. [Signatures] On the back is a warrant for the registration of the bond in the books of Privy Council, dated at Edinburgh, 28th May, 1633, and signed M. J. SANDILANDS.

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26. Bond of caution by Mr John Makmillen, minister at Sanquhar, and Thomas Greirsone in Manes, in £1000 each for the other, that they will not molest Robert Creichtoun of Blakquarter of Blakadie, nor his wife or any of his; dated at Sanquhar, 14th May, 1633; witnesses, Thomas Blaik, notary in Dursdeir, John Creichtoun, notary, who wrote the bond, John Diksone, burgess of Sanquhar, and Archibald Chisholme, schoolmaster. [Signatures] At the foot is a warrant for registration of the bond in the books of Privy Council, dated 20th May, 1633, signed by M. J. PAIP. 14th May 1633. Caution by Mr. John Macmillan, minister at Sanquhar, and Thomas Greirson in Manes that they will not molest Robert Crichton of Blakadie.

27. Original of royal letter for admitting the Duke of Lennox as a member of Council, printed *ante*, p. 104. Addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Airth, president of the Council, and remanent lords and others of the Privy Council of Scotland. 21st May 1633. Royal letter anent the admission of the Duke of Lennox to the Council.

28. "At Halyruidhous, the 28 day of May, 1633. In presence of George, Viscount of Dupline, Lord Heigh Chancellor; Williame, Earle of Mortoun, Lord Thesaurair; Patrik, Archiebishop of Glasgu; Thomas, Earle of Hadintoun, Lord Privie Seale; Johnne, Earle of Lauderdaill; Williame, Viscount of Air; Johnne, Lord Steuart of Tracquair, Thesaurair depute; Sir Johnne Hay, knight, Clerk of Register; Sir James Skeene, knight, President of the Sessioun, examinat and demandit yf he wald name ony otheris nor ar contenit in his first depositioun fra whome he hard the speecheis gevin up be him under his hand to the Kingis Majestie concerning the speecheis alledgeit utterit be the Earle of Airth, that he had als goode right to the crowne as his Majestie had,—deponis that he hes hard that the Lady Mar, the Lord Erskene, the Lord Semple, Sir Walter Steuart of Minto, the Laird of Auldbar, the Archideane of St. Androis, Mr David Prymrois, the Lord Ros, hes spokin thir wordis as haveing thame of the Earle of Airth himself, at the least wordis to this sense; and the said Sir James protestit that incaise ony of the persouns abovewrittin nominat be the said Sir James denyis to haif hard the saidis wordis frome the said Earle the same salbe without ony perrell or danger to the said Sir James, whiche protestatioun the Lordis Commissionaris abovewrittin admittit. (Signed) Sr J. Skene.

"The quhilk day the said Sir James Skeene, knight, having rememberit himself anent the persons whome he hard had reportit the speecheis abovewrittin deponis under the protestatioun abovewrittin that the Earle of Galloway hes spokin the wordis abovewrittin or wordis to that sense. (Signed) Sr J. Skene." 28th May 1633. Examination of Sir James Skene, President of the Session, anent certain treasonable words of the Earl of Airth.

29. "Intrat upon pannell Marion Richart, *alias* Layland, for the pointis of witchcraft, sorcerie, and divination, and utheris underwrittin. 29th May 1633. Indictment and condemnation of Marion

In the first ye, the said Marion, ar indyted and accuised of contra-

Richart, *alias* Layland, for witchcraft.

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veining the tenour of the Act of Parliament maid be our umquhile dread soverane lady Mary be the grace of God Quein of Scotland with the advyse of hir thrie Estaites in hir nynth parliament that quher they being informit of the hevie and abominable superstition used be divers of the leidges of this realme be using of wichcraftis, sorceries and negromancie, and credence givin thairto in tymes bygane, againes the law of God, and for avoiding and away putting of all sic superstition in tyme cuming it wes statute and ordainit be the Queines Majestie and thrie Estaites forsaid that na persone or persones of quhatsomewer estait, degrie or condition they be of, tak upon hand in any tymes therafter to use any maner of wichcraftis, sorcerie or negromancie, or give themselvis furth to have any sic craft or knowledge thairof, thairthrow abusand the people, under the paine of death. And trew it is that ye, the said Marion, have contraveined the tenour of the said act be using and practising of wichcraftis, sorceries and divinationes, and of giving of yourself furth to have sic craft and knowledge, and in keiping companie and society with the devill, and thairthrow abusand the people at diverse and sundrie tymes and places in maner following, and therfoir and for airt and part of the said abominable superstition used and practised by yow aught and sould be adjudged to the death: And in speciall ye, the said Marion, are indyted and accused for airt and part of the said abominable superstition for that sex or sevin yeires since James Fischer, your oy, being keiping Manse Smythis swyne, went up into ane auld hous called the house of Howing Gremay to saife himselfe from a cold showir that wes raining and quhen he cam in to the saide old hous he saw yow and Kathereine Miller sitting thair and the devill, in liknes of a black man, sitting betuixt yow, and the said Katherine cryed fearclie 'Tak him for he will tell upone us;' bot ye wold not suffer and said, 'Let him alane for na body will beleive him.' And upon the morning therafter the said James, your oy, told Manse Smyth, his master, that he had seine yow and Katharine Miller and the devill together in the old hous. And lykwayes that night, whilk ye and the said Katherine wer in the stockis befor your now cuming to the toun, the said Katherine said unto yow, 'Yea, plaige of God upon thy oy, for if thow had done to him that quhilk I baid the he had not bein troubling us now;' quhilks pointis will be sufficiently provin and therfor rank wich cannot now deny.

Secondly, ye, the said Marion, are indyted and accuised for airt and part of the said abominable superstition in that fyve or six yeires since Elspeth Sandesone contractit ane hevie disease in so much that sho wes quyt bereft of all hir sences for ane long space, ye, coming to the said Elspethis hous, made ane water quhilk ye call ane remedie for forspeaking and tooke water into ane round cope and went out into the byre and took sumthing out of your purse lyk unto great salt and did cast therin and did spit thrie severall tymes in the same and ye confest yourselfe when ye had so aundit in bitt (quhilk is ane norne tearme), that is to say,

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ye blew your breath thairin; and thairafter ye sent it to the said Elspeth with the servand woman of the house and bad that the said Elspeth sould be waschin tharin, hand and feite, and scho sould be as heall as ever sho wes; as also ye said to the servant woman that ye send with the water that if scho told it agane scho should never thryve, and so soone after as scho reveilit it scho died, quhilk death was wrought be your deid, and quhilk also ye confest before the session at Sanday and therfor rank wich cannot now deny.

Thridly, ye, the said Marion, ar indyted and accuised for airt and part of the said abominable superstition in that ther wes a poore wyfe with yow who wes travelling of cheild in your hous and desyred a sope milk with yow, quhilk ye on nawayes wold give; therfoir the said poor woman sent to Robert Dreveris hous (quhilk wes in that same bigging) to get a sope milk quhilk the said Robertis wyfe sent unto hir; and immediatlie thairefter the said Robertis wyfe lost the profeit of hir wholl milk. Quharfor she cam into yow and did lament for her profeit that she wantit. Ye ansuerit and said, 'Go thy way to the sea and tell nyne boares of the sea cum in, that is to say, nyne waves of the sea, and let the hindmost of the nyne ga back againe and the nixt thairafter tak thrie loofullis of the water and put within thy stoupe and quhen thow comes home put it within thy kirne and thow will get thy profeit agane;' quhilk ye, rank wich, cannot also deny.

Fourthlie, ye ar indyted and accuised for airt and part of the said abominable superstition in that Helein Hamiltoun, spous to James Keith, and all hir houshold being straited with dreuth for the space of tuentie dayes or ane moneth that no drink could quench the same, and the said Heleine and hir husband alledging yow for the great drew that they had upon ane Sunday ye cam to the said Heleines hous and fetchit with yow ane mutchkin of small aill in ane chopping can and offerit it to the said Heleine and hir familie to drink, bot the said Helein refuisit to drink it, bot ye urgit it more and more upon hir and saide, 'I have ane sonsay hand and my mother befoir my day,' and made everie on of them to drink therof, and immediatlie before the nixt Sonday thair thrist was eisit and the heavy weicht that wes upon them the tyme of thair great thrist and dreuth wes takin away, quhilk ye, rank wich, cannot also deny.

Fyftly, ye, the said Marion, ar indyted and accuised for airt and part of the said abominable superstition in that ye cam to William Fothringhame his house benorth to get almis, and his wyf not being at leasure to give yow alms ye went to the dure and sayde, as ye went, that schie should loss als meikle schortly; and aught dayes after that his best kow died, quhilk wes done be your deid, quhilk ye, rank wich, cannot also deny.

Saxtly, ye, the said Marion, ar indyted and accuised for airt and part of the said abominable superstition in that ye cam to Stronsay to Margrat Thomesones hous, and the said Margrat had nyne ky quhilk wes not

ridin and ye said unto hir, 'Give me almis and befoir this day aucht dayes ilk kow on your aught sall be riddin;' quhilk almis ye resavit from the said Margrat and befoir that day aught dayes ilk kow that she had wes riddin quhilk fell out even according as ye spaik, quhilk ye rank witch cannot also deny. Miscellaneous Papers.

Sevinthlie, ye, the said Marion, ar indyted and accuised for airt and part of the said abominable superstition in that ye did wasch the feit of James Davidsones kat into his bait water becaus he could get no fisch that yeir, saying that the said James in tyme cuming wold get more fisch in respect of your work in wasching of the cates feit in his bait water; and quhen ye had waschin the cat thairin ye did tak the water wherin the cat wes waschin and did cast it out after him quhen he did go to the sea, quhilk point, ye, rank wich, cannot allso deny.

Eightly, ye, the said Marion, ar indyted and accuised for airt and part of the said abominable superstition in that about fyve or six yeires since ye cam to David Jokis hous who wes going to the sea and wes making moane that he had gottin no fisch that yeir; ye ansuerit and sayde that micht be easily mendit, and called for the thing that geid about the fyre, quhilk wes the cate, and said that ye wold wasch the cates heid and feit into the water quherin the bait wes to be leiped and said that ye wald tak that water and cast it about him and upon him and into his sea caschie and into his bait coubie, and quhen he cam to the sea he sould get fisch enoch, quhilk ye, rank witch, cannot deny.

Attour, ye ar indyted and accuised for airt and part of the said abominable superstition in that ye cam to Stronsay about tua or thrie yeires since in sumer and asking almis fra Andro Couper, skipper of ane bark, he said to yow, 'Away wich, carling, devill a farthing ye will fa;' quherupon ye departed wery offendit. And, incontinently, he going to sie, the bark being under saill, he ran mad and wold have luppin ovirburd an his sone, seing him, gat him in his airmes and held, quherupon the seiknes imediatly left him and his sone ran mad. And Thomas Patersone, seing him tak the madnes and the father to turne weill, ane dog being in the bark, to[oke the] dogg and bladded him upon the sone his shoulders and therafter keist the said dog in [the sea], quharby these in the bark wer saifed, quhilk being done all the doggers at the sey . . . landlyeris for feir gave yow abundantly, quhilk all wes done be yowr witchcraft and . . . . quhilk ye cannot deny.

And generallie ye ar indyted for airt and pairt of using and practising of witchcraftis, sorceries, divinationes and charmis, as is particularlie abovewrittin, and giving your selfe furth to have sic craft and knowledg, thairby abusing the people, and that by your cursingis and imprecationes ye wrong and hurt man and beist, quhilk evill ar brocht to pas be the power and working of the devill, your master, and therfoir aught and should underly the law and be adjudged to the death thairfoir and in exampill of utheris to do the lyk.

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Curia Justiciarie et vicecomitatus de Orknay tenta apud [Kirkwall] in templo Sancti Magni in lie walhous ibidem per Edwardum [Sinclair] de Essinquoy et Magistrum Henricum Aitkin, justiciarios et v[icecomites] deputatos ejusdem, vigesimo nono die mensis Maij anno Domini m[illesimo] sexcentesimo trigesimo tertio.

CURIA LEGITIME AFFIRMATA.

Compeirit the procurator phiscall and producit the dittayis and desyrit the pa[nnell to be] accusit thairupoun and be put to the tryell of ane assyse. Pannell [present] denyit the first verefeit; confessis the second anent the watter and that scho tharin . . . . the child, confessis scho gave the drink, denyis the fyft, confessis the sext, d. . . . . and viij and nynt.

The pannell hes nothing to allege, quharfoir they sould not pas to the t[ryell] . . . assyse and the procurator phiscale askit actis.

Assise:—Robert Linkletter in Garsetter, Thomas Seatter in Seatter, Oliver Linkletter in Marwik, William Spens in Work, William Johnstoun in Holland, John Oursetter in Weyland, Thomas Scot in Langskaill, Thomas Scot in Sandvak, Thomas Sclaitter in Burcht, James Sclaitter in Houssa, William Burgar in Holland, Oliver Sclaitter in Scorie, Richard Fothringhame in [Burnes], Jerome Chalmer skip[per], William Craigie of [Vaitquoy]. Upoun swearing of the inquest the procurator phiscall askit actis.

The haill assyse, all in ane voice, be the mouth of the chancellar fyllis the pannell in the first, the secund anent the watter and chairme, the thrid, the sext, the aught and nynt, and clengis hir of the fourt, fyft, and sevint poyntis, and referris sentence to the judge and dome to the dempstar. (Signed) JEROME CHALLMER.

The judges acceptis the determinatioun of the assyse and deferris sentence to the morne.

PENULTIMO MAII 1633.

The judges ordains the pannell to be caryit be the lockman to the Gallowhill worryit to death and brunt to asches."

[On the back] "Gevin up be Mareon Leyland, Cristiane Davidsone, spous to Williame Harper, that took girss and bwik a bannok and gave to the goodman of Papa his grieve quha diet and the dog that got the bannok diet. The bannok wes for keping thair profite.

Elen Forster (?), spous to James Burgar, can mend baith the heart-raike and odinschaw and put doun horsses to the goodman of Langskaill.

Magnus Smyth for mending the rake."

29th May 1633. Indictment of Katherine Greive, *alias* Miller, for witchcraft, condemned to be burnt on the cheek.

30. "Intrat upon pannell Kathereine Greive, *allias* Miller, for the pointis of witchcraft, sorcerie and divination and utheris underwrittin. Miscellaneous Papers.

In the first ye, the said Katherine, are indyted and accuised for contraveining of the tenour of the act of parliament maid be our umquhile dread soveraine, Lady Mary, be the grace of God Queine of Scotland, with the advyse of hir thrie Estaites in her nynth parliament, that quhar they, being informit of the hevy and abominable superstition used be diverse of the leidges of this reallme be using of witchcraftis, sorceries and negromancie and credence givin tharto in tymes bygane, againes the law of God, and for avoiding and away putting of all superstition in tyme cuming it wes statute and ordainit be the Queines Majestie and thrie Estaites forsaid that na persone or persones of quhatsumever estaitt, degrie or condition they be of tak upon hand in any tymes therafter to use any maner of wichcraftis, sorcerie or negromancie or give themselvis furth to have any sic craft or knowledge thairof thairthrow abusand the people under the paine of death; and trew it is that ye, the said Katherine, have contraveined the tenour of the said act be using and practising of witchcraftis, sorceries and divinationes and in giving of yourself furth to have sic craft and knowledge and in keiping company and society with the devill, and thairthrow abusand the people at diverse and sundrie tymes and places in maner following, and therfoir and for airt and parte of the said abominable superstition used and practised be yow aught and sould be adjudged to the death.

And in speciall ye, the said Kathereine, are indyted and accuised for airt and part of the said abominable superstition, for that sex or sevin yeires since James Fischar, oy to Marion Richart heir pannelled with yow, being keiping Manse Smythes swine, vent up into ane auld hous called the hous of Howing Gremay to saife him selfe from a cold schowir that wes raining and quhen he cam in to the said old hous he saw yow and the said Marion, his gudame, sitting thair and the devill in lyknes of a black man sitting betuix yow, and quhen ye saw the said James ye cryed out fearcely, 'Tak him for he will tell upon us,' bot the said Marion, his gudame, wold not suffer and said, 'Let him alone for nabody will beleive him;' and upon the morning therafter the said James told to the said Manse, his master, that he had sein yow and the said Marion, his gudame, and the devill together in the old hous; and lykwayes that night quhilk ye and the said Marion wer in the stockis befoir your now cuming to the toun ye said unto the said Marion, 'Yea, plaig of God upon thy oy, for if thow had done to him that quhilk I bad the he had not beine trowbling now; quhilk ye, rank wich, cannot deny.'

Secondly, ye ar indyted and accuised for airt and part of the said abominable superstition in that sex yeires since Vrsillia Fea, spous to Hew Peace, wantit the profeit of hir milk, quharfor the said Vrsilla

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sent hir servant woman and milkit your kow and did put it into hir kirne and immediatly when she kirned the milk sho got nyne merkis butter quhar befoir of als meikle milk sho got not at the most ij merks; and xxiiij houris therafter the said Vrsilla contractit ane deadlie disease quhilk continuit for the space of sex weikes, and at the end of sex weikes ye cam to the said Vrsillais hous and desyrit ane drink of milk from hir kirne and said if ye got it sho should get hir health againe, the quhilk drink of milk ye got and presently sho wes better of hir disease and lossit the profeit of hir milk and wantis it as yit, quhilk wes done be your deid, and therfor, rank wich, cannot deny.

Thridly, ye, the said Katherine, ar indyted and accuised for airt and part of the said abominable superstition in that William Orrock had ane horse whilk wes seik; ye cam in and bad Margrat Orock, his dochter, get thrie sundrie sortis of silver and put them within ane sife and sift them over the bak of the seik horse and he sould be wholl, quhilk ye, rank wich, cannot deny.

Fourthly, ye, the said Katherine, ar indyted and accuised for airt and part of the said abominable superstition in that Margrat Broune, haveing discordit with yow, ye said to hir, 'Ill might thow thryve and ill might thow put of this yeire;' and presentlie therafter the said Margrat contractit ane hevy disease and senslesnes quhilk continuit for the space of ane half yeir, and at the halfe yeires end the said Margrat came to yow and ye took hir by the hand and immediately sho got hir health, and ay since that tyme wes weill; quhilk wes done be your deid, and now, rank wich, cannot deny.

Fyftlie, ye, the said Katherine, are indyted and accuised for airt and part of the said abominable superstition in that your dochter, haveing takin keall out of John Broune his yard, the said Johnes servant woman fand falt with your dochter for taking of the said keall out of hir masteris yard, yit your dochter went hom with the keall to your hous and told yow that Katherine Sowens had found falt with hir for takeing the keall, ye presently sent your dochter back againe with the keall to the said Johnes hous and when sho cam in sho cust the keall upon Katherin Sowens breist, being nurisch to the said John Broun in the tyme and presentlie sho lossit hir milk for the space of fourteine dayes, and at the fourteine dayis end ye cam to the hous wher the norisch wes and told the goodwyf of the hous that ye had dreamit that if sho wold give your dochter almis the norisch sould get hir milk againe; the quhilk almis your dochter gat, and presentlie the norisch gat hir milk againe as weill as ever scho had befoir; quhilk wes done be your deid and therfor, rank wich, cannot now deny.

Sixtly, ye, the said Katherine, ar indyted and accuised for airt and part of the said abominable superstition in that ye, haveing a sone keiping David Peace his ky, and becaus he did put the boy away from keiping of his ky, ye said that he sould rew it and immediately ane

of the ky deid and schor[tly] the rest died also quhilk wes done be your deid and therfoir, rank witch, cannot now deny. Miscellaneous Papers.

Sevinthly, ye ar indyted and accuised for airt and part of the said abominable superstition in that ye, haveing a sone keiping John Brounis ky, and becaus the boy wes put from keiping of the ky, ye did curse and pray ill for them; and therafter the most part of them died and the rest that lived did never good nor yit yeild milk since the boy gied from them; quhilk also wes done be your deid and therfoir, rank witch, cannot now deny.

Eightly, ye, the said Katherine, ar indyted and accuised for airt and part of the said abominable superstition in that Jonat Fothringhame, spous to John Peace, younger, being angrie with yow for cuming ilk morning to hir goodmotheris hous befoir the sun rysing, presently sho falis into ane extraordinarie disease so that sho might not go out of hir goodmotheris hous into hir oune, quhilk wes both closs together, bot did creipe upon handis and feit quhilk sho cam to hir bed, presentlie ye cam in to hir and layd your hand upon hir head and did caus give hir ane soupe of milk and presentlie she grew als weill and in as good health as ever sho wes befoir; quhilk wes done be your deid and therfoir cannot now deny.

Nynthly, ye, the said Katherine, ar indyted and accused for airt and pairt of the said abominable superstition in that William Roy, elder, haveing discordit with yow, ye did strick him upon the back betuixt the shoulderis with your hand and presentlie the pouer of his body wes takin away in so much that he could not do the duty of a man towardis his wyfe, quhar that tua nightis befoir he wes als ap and abill for his wyfe as ever he wes befoir, and ever since he discordit with yow he wes not sa weall as he should be; quhilk wes done be your deid and therfoir, rank witch, cannot now deny.

Attour ye ar indytit and accusit for airt and pairt of the said abhominabill superstitioun in that laitlie ye met with Hercules Hey, officer, and said to him, 'I promised yow a good turne, and now ye sall be sure of it.' He ansuerit, 'Quhat a good turne promiset ye?' Ye ansuerit, 'I promist it and ye sall be sure of it, and immediatlie he contractit the seknes in his bellie and is as yet lying for death and layis his death upoun yow.'

And generallie ye ar indyted for airt and part of using and practising of witchcraftis, sorceries, divinationes and charmis, as is particularlie abonewrittin, and giving your selfe furth to have sic craft and knowledg, thairby abusing the people, and that by your cursingis and imprecationes ye wrong and hurt man and beist. Quhilk evill is brocht to pas be the power and working of the devill, your master, and thairfoir aught and should underly the law and be adjudged to the death, thairfoir and in example of otheris to do the lyk.

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Curia Justiciarie et vicecomitatus de Orkney tenta apud Kirkwall in templo Sancti Magni in lie Walhous ibidem per Edwardum Sinclair de Essinquoy et Magistrum Henricum Aitkin, justiciarios et vicecomites deputatos ejusdem, vigesimo nono die mensis Maij, anno Domini millesimo sexcentesimo trigesimo tertio.

CURIA LEGITIME AFFIRMATA.

Compeirit the procurator phiscall and producit the dittayis and desyrit the pannell to be accused thairupoun and be put to the tryell of ane assyse.

Pannell present, denyit the first and the secund, altho verefeit, confest scho baid sift the siller becaus scho had sene it befoir, denyis the fourt spairinglie, denyis the fyft, denyis the sext, denyis the sevint and aught and nynt and last.

The pannell have nothing to allege quharfor they sould not pas to the tryell of ane assyse, and the procurator phiscall askit actis.

ASSISA.

Robert Linkletter in Garsetter, Thomas Seatter in Seatter, Oliver Linkletter in Marwik, William Spens in Work, William Jonstoun in Holland, John Cursetter in Weyland, Thomas Scot in Langskaill, Thomas Scot in Sandvak, Thomas Sclaitter in Burcht, James Sclaitter in Houssa, William Burgar in Holland, Oliver Sclaitter in Scorie, Richard Fothringhame in Burnes, Jerome Chalmer, skipper, William Craigie of Vaitquoy.

Upoun the swearing of the inquest the procurator phiscall askit actis.

The haill assyse passing out of judgment and reentering agane, all in ane voice be the mouth of Jerome Chalmer, thair chancellor, fyllis the pannell in the first poynt the secund, thrid, the fourt, the fyft and last, and clengis hir of the sext, sevint, aught and nynt, and referrit sentence to the judge and dome to the dempstar. (Signed) JEROME CHALLMER.

The judges acceptis the determinatioun of the assyse and deferris sentence to the morne.

PENULTIMO MAII, 1633.

The judges ordanis the pannell to be caryit be the lockman to the cross and brunt on the cheik. Scho become actit that if at any tyme to cum scho be fand to hant suspect places, to use charmes or libis (?) scho sall in that caise be brunt without dome or law to the death and that willinglie of hir awin consent."

Miscellaneous Papers.

4th July 1633. Caution by William Galloway in Carnehill for Thomas Galloway, his son.

31. Bond of caution by William Galloway in Carnehill in 300 merks for Thomas Galloway, his son, that he will appear before the Council on 23d July instant and answer to the charge of hurting and wounding Robert Adamesoun in Silverburn, and pay forty merks as his escheat to his Majesty's Treasurer, Deputy Treasurer and Receivers of his Rents; dated at Edinburgh, 4th July, 1633; witnesses, Mr John Galloway, writer in Edinburgh, Mr George Heriot, servitor to Mr John Paip, elder, writer, Thomas Meinzes, brother to John Meinzes of Carlips, and Mr John Callender, servitor to James Prymrois, Clerk of the Privy Council. William Galloway signs by aid of Mr John Paip and James Aitkin, notaries. [Signatures.] On the back is a warrant for registration in the books of Privy Council, dated at Edinburgh, 4th July, 1633, signed M. J. PAIP. The bond is presented by Mr John Callender.

9th July 1633. Discharge by Alison Stevenson, widow of John Sandilands, merchant burgess of Edinburgh, of Hew Tod and his cautioner for eighteen puncheons of wine.

32. Discharge by Alison Stevensone, widow of John Sandelands, merchant burgess of Edinburgh, narrating that on June last she obtained decreet before the Lords of Privy Counçil against Hew Tod, writer, decerning him to pay to her 400 merks for each tun of eighteen puncheons of French wine with which he had intromitted, and for payment whereof he found Mr Robert Nicolsone, one of the Commissaries of Edinburgh, his cautioner. She has now received payment and discharges the said Hew Tod and his cautioner; dated at Edinburgh, 9th July, 1633; witnesses, John Ellott, her son-in-law, Alexander Baxter, wright, burgess of Edinburgh, and James Peirsone, servitor to the said Hew Tod, who wrote the discharge. [Signatures.] At the foot is warrant for registration in the books of Privy Council, dated at Edinburgh, 10th July, 1633, and signed M. R. CRAIG.

11th July 1633. Supplication by Sir Donald M'Donald and others that they may be relieved from yearly appearing before the Council, as the condition of the Isles renders their appearance no longer necessary.

33. Supplication by Sir Donald McDonald of Slait, Sir Lachlan McClane of Douart, John McCleud of Hereis, and John McDonald McAllane V^{c}Eane of Ilantyrum, Captain of the Clanrannald, for themselves and in name of the remanent landlords in the Ilis, as follows:—Some thirty years since, in the time of their minority, when the Ilis were not under that civility and obedience to which they have now attained under the blessed government of his Majesty and his late father, it was thought necessary that the landlords and chieftains of clans should be put under caution for compearing personally yearly before the Council on 10th July, with the design that the Islanders, by being drawn hither once a year, might learn civility and, by imitation of the noblemen and others of the incountry, might become peaceable and obedient subjects. As the Iles are now become obedient, religion and justice established therein, commerce and trade entertained as really and peacefully both with strangers and natives as in any other part of the kingdom, and there is not even the "simple appeirance of any commotioun," for their Lordships have not heard any complaint in the Iles for many years past, and as this

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cautionry held over their heads is a heavy yoke and burden under which they are no longer able to subsist, "it being a moithe and canker which eatis up our wholl estates and in tyme will overthrowe us"; and, moreover, as they are his Majesty's good and faithful subjects, and stand obliged for the obedience of all under them, as well as for their own personal compearance on citation of parties, besides attending al the justice courts to be held by virtue of the recent commission of justiciary given by his Majesty to the Lord of Lorne over the whole Isles, as they ar informed, they crave that their Lordships would pass an act freeing them from this yearly compearance upon 10th July. [On the back] "*Apud* Halyrudhous xi Julij 1633. *Fiat ut petitur* for the yeir to come allanerlie. GEO. CANCELL^{R}., I.P.D."

34. Original of royal letter for assisting the Justice with assessors in the trial of John Toshoch, printed *ante*, p. 276; addressed to the Earl of Kinnowle, chancellor, and remanent noblemen and others of the Privy Council of Scotland. 15th July 1633. The trial of John Toshoch.

35. Supplication by Mr . . [1] Mortoune, minister at the South Kirk of Leith, for himself and in name of the said kirk and poor of . . . , Mr John Elphinstoune, Alexander Hay, John Luikup, James Mathesoune and Matthew Mitchell, for themselves and for their neighbours of Leith and the poor thereof, as follows:—The late Alexander Hay, Clerk of Register, obtained the sole heritable right to all the lands, teinds and properties whatsoever belonging to the Preceptory, hospital or chapel of St. Anthons in Leith, and after him Mr John Hay of Easter Kennett, his son, ... of Session, and Daniel Hay, Writer to the Privy Seal, his brother, having undoubted right thereto, for the glory of God, the benefit of the poor, and love and favour to the Kirk thereof, disponed and mortified, and also his late Majesty disponed and mortified not only the preceptory and chapel of St. Anthones . . , . "heawen besyid Leith" with all rents, benefits and casualties thereto belonging, to the . . . . elders and deacons of the said kirk for the use of the poor, to abide with them and their successors for ever, with power to their factors and chamberlains to uplift the rents, etc., for the use of the poor, and in such wise as that no minister of the said kirk or laick person may encroach thereupon, as the said charters under the great seal and other writs testify. Yet Mr William Wishart, one of the ministers of the said kirk, in May last or thereby, caused the keepers of the kist in which these writs were kept, to open the same, when he took out a number of the writs, including the two foresaid charters of mortification, receiving the same from David Logane, treasurer . . . . Francis Wilkie, Alexander Beanes, Neill Campbell and William Cwmrie, elders of the said 30th July 1633. Supplication by Mr. Morton, minister at Leith, and others anent St. Anthony's Chapel.

[1] The document is much frayed and part of it wanting on the one side.

kirk, under pretext of obtaining a royal confirmation of them all in the late Parliament for the perpetual security of the kirk therein. Nevertheless, against conscience, trust and promise he has not only failed to do so, but as they understand, he has purchased surreptitiously a grant thereof and of the rents and casualties of the said preceptory and chapels of St. Anthones and Newheavin to himself, and by selling the same has already utterly ruined the said church and poor thereof. They therefore crave that their Lordships would (1) summon parties before them and ordain the keepers of the said kist and the said Mr William to produce all writs given out of the said kist, and the latter, such deeds as he has surreptitiously purchased from his Majesty thereupon; (2) ordain the said Mr William to be denuded of any such surreptitious rights so that they may be in all time coming vested in the ministers, elders, deacons . . . . of Leith for the use of the poor in all time coming; (3) take the oath of the said Mr William that he has not sold nor disponed and that he will not sell, dispone nor gift any part of the said preceptory and chapels of St. Anthones and Newheaven and rents thereof to any person in prejudice of the said church and poor of Leith; and (4) that for avoiding of great expenses to the said church and poor they would ordain the keepers of the registers of benefices, all other keepers of registers and seals and the clerk presenter of signatures not to allow in time coming any deed respecting the said preceptory, hospitals or chapels, or anything belonging thereto to proceed until first the ministers, elders and deacons of the said kirk be warned and heard thereupon. [On the back] "At Halyrudhous, the threttie day of July, 1633. *Fiat summonitio ut petitur*, viz., to wairne the pairties allanerlye.—WINTOUN." Also note of two executions by Mr William Dowglas, macer, on 31st July, 1633, against (1) Mr William Wishart, Mr Francis Wilkie, Alexander Baine, David Logane, Neill Campbell, and William Comrie, all personally apprehended, to compear before the Council this day at 9 a.m. in the laich Council house of Edinburgh; witnesses, James Gray, indweller in Leith, and James Orr, servitor to Alexander Hay; and (2) against the same persons, at the direction of Thomas, Earl of Hadintoun, to compear that afternoon at 2 o'clock. It is noted also at the foot of the petition that on 31st July parties compeared and Mr William Wishart, parson of Restalrig, declared his willingness that the gift purchased by him from his Majesty of the preceptory of St. Anthones shall be converted to the use and benefit of the poor of Leyth according to the intention of the first mortification. The Lords therefore ordain the writs to be produced to his Majesty's Advocate that he may consider and report upon them the next Council day, but this to be without prejudice of the right and interest of the Earl of Dunfermlyne, which is to be heard that day.

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25th September, 1633. Continued to the first Council day of November.

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36. Bond of caution by Adam Corsane, merchant burgess of Dumfreis, for Mr John Corsane, provost of Dumfreis, in 400 merks, that he will not molest John Spens, merchant burgess of the said burgh, nor his wife and household; dated at Dumfreis, 3rd August, 1633; witnesses, John Craik, bailie of the said burgh, Adam Nisbet and William Rig, notaries, and William Mairten, tailor. [Signatures.] On the back is warrant for registration of the bond in the books of Privy Council, dated at Edinburgh, 6th August, 1633, presented by Thomas Maxwell, writer, and signed M. J. PAIP. 3rd August 1633. Caution by Adam Corsane, merchant burgess of Dumfries, for Mr. John Corsane, provost of Dumfries.

37. Letters of charge at the instance of Andrew, Bishop of Galloway, prior of the priory of Quhithorne, as follows:—In the taxt roll of the said priory made for the relief of the said bishop concerning the taxation of July, 1630, the feuars of the lands and tacksmen of the teinds of the said priory are taxed in the sums aftermentioned, but of these they will make no payment unless compelled. Messengers are therefore ordained to go and, by proclamation at the market cross of the head burgh of the shire where they dwell, to charge them to make payment to the factors and chamberlains of the said bishop of the sums due by them upon pain of horning, which is to be execute upon them after twenty days in case of disobedience, if parties be within the country, but if they are forth thereof, then sixty days after they have been charged by public proclamation at the pier and shore of Leith. The persons to be charged and the sums to be paid by them are as follows, being for the fourth term's payment of the said taxation, viz.:—Alexander, Earl of Galloway, for the Mains of Quhittorne, £19 16s. 11d., and for his lands of Stennock, £8 16s. 4d.; for his lands of Portyerrack, £14 14s. 7d., and for his lands of the half isle of Quhitterne, £8 16s. 4d.; Patrik Vaus, fear of Barnbarroch, for his lands of Carletoun, Kerindone, Apilvie, Craiginmeyne, Craichdow, Outounburges, Outouncorwor, Wig, Stennock, Alexander Stewart's Wig, Culmalzew, Airleis, and Barverenoche, £174 18s. 8d., and for his mill of Apilvie £17 12s. 10d., and for his mill of Little Arreis, £5 5s. 10d.; Antoun Howstoun of Drumnastoun for his lands of Prestorie, £19 16s. 11d.; Mr Francis Hay for the lands of Crugiltoun Castell, £26 9s. 2d., and for his half of Crugiltoun Kavens, £8 16s. 4d.; Alexander Stewart of Bargrennane for his lands of Crugiltoun Keavens, £8 16s. 4d.; Mr James Hannay and Patrik Forbes for the lands and mill of Poltoun, £52 18s. 4d.; Androw Hannay, son and heir of the deceased Archibald Hannay of Quhythillis, for his lands of Quhythillis, £8 16s. 4d.; Mr Gilbert Gordoun of Shirmers for his lands of Glenswintoun, £24 9s. 6d.; Robert M°Culloch for his lands of Barsmith, £14 11s. 1d.; John Martine for his lands of Shedock, £8 16s. 4d.; Thomas Blance for his lands of Wig, £7 1s. 2d.; James Maxwell of Knock and George M°Culloch for the lands of Knock, £44 1s. 11d.; Hew Kennedie for his lands of Little Arreis, £8 16s. 4d.; 6th August 1633. Letters of charge at the instance of Andrew, Bishop of Galloway, prior of the Priory of Whithorn, directed against certain persons who refuse to pay the taxation imposed on the said Priory.

Harie Northorne for his lands of Mekle Arreis, £11 7s. 7d.; John Murrey of Brouchtoun for his lands of Outounchappell and Outoungallons, £19 8s. 1d.; Mr Andrew Stewart of Wignegarne and Hew Donaldsoun for their lands of Wignegarne, £11 18s. 2d.; Thomas Kennedie of Ardmillane for his lands of Ardmillane, £73 6s. 8d.; Archibald, Lord Lorne, for his lands of Kintyre, £88 3s. 10d.; Patrick Howstoun for his half lands of the Isle of Quhithorne, £8 16s. 4d.; John Ahannay of Sorbie for his cornmill of Quhythills and mill lands thereof, £8 16s. 4d.; Patrick Vaus, fear of Barnbarroch, Mr Francis Hay and John Peter, commissary of Peebles, for the corn mill of Portyearrack and mill lands thereof, £5 2s. 4d.; the heritors of the crofts of Quhittorne, £4 15s. 3d.; Alexander, Earl of Galloway, for his teind sheaves of the kirks and parochins of Quhittorne, Glassertoun, Crugiltoun, Sorbie, Kirkmadryne, Mochrum, Toshertoun, *alias* Kirkmadryne, Clashant, Kirkdaill, Kirkanders, Borg, and Gerstoun, £223 15s. 10d.; Neill Montgomerie of Langshaw for his teinds of the kirk of Kirkmichell, £63 18s. 10d.; Sir Dowgall Campbell of Auchinbreck for his teinds of the kirk of Culmudzeane, £70 11s. 1d.; John Murrey of Brouchtoun for his teinds of the lands of Brouchtoun, Skeoche, Brouchtoun, Waill, Outoun gallons, and Outoun Chappell, £8 16s. 4d.; and Robert McCulloch of Drummorrell for his teinds of Drummorrell and Arrow, 47s. 8d. The charge is dated at Edinburgh, 6th August, 1633, and signed JA. PRYMROIS; and it is noted at the foot that it was produced at Edinburgh on 11th January, 1634, by Mr Andrew Innes and registered in the Books of Council by Mr Alexander Skene, clerk depute to the Clerk of Register. (Signed) M. A. SKENE. Miscellaneous Papers.

14th August 1633. Caution by George Bennet for Patrick Clunes.

38. Bond of caution by George Bennet, elder, burgess of Mussilburgh, for Patrick Clwnes in Innerask, in 1000 merks, that he will not molest Thomas Hunter in Cousland, nor his wife nor household; with clause of relief, dated at Innerask, 14th August, 1633; witnesses, John Craik, tailor in Innerask, Samuel Rennick and John Duncane his servitors, and George Aytoun, servitor to William Wilson, W.S., who wrote the bond. [Signatures.] At the foot is warrant for registration in the books of Privy Council by Robert Hepburne, advocate, as procurator for the parties, dated at Edinburgh, 15th August, 1633.

16th August 1633. Renunciation by Patrick Maull of Panmure of a commission to sell his lands.

39. Renunciation by Patrick Maulde of Panmure, "one of his sacred Majesties bedchamber," narrating that Mr William Oliphant of Kirkhill, advocate, on 18th September, 1632, at Edinburgh, granted to him a commission to sell his lands of Kirkhill, Strabrok and others mentioned therein for his relief of an act of caution which he gave for the re-entry of the said Mr William Oliphant within the tolbooth of Edinburgh before 1st August thereafter; and that the said Mr William having re-entered to ward on 31st July last, where he presently remains, the Lords of

Miscellaneous Papers.

Secret Council have ordained him to renounce the said commission. This he accordingly hereby does by present delivery of the same to the said Mr William, providing that these presents be no way prejudicial to him in the possession of the gift of the escheat of the said Mr William which he has from his Majesty under the privy seal, and he declares that he will not be obliged in warrandice of this "repositioun" and renunciation except as regards his own deed, viz., that he has made no right of the said commission to any other person; dated at Balischen, 16th August, 1633; witnesses, David Souttar in Both, Peter Browne and Mr Patrick Lindesay, servitors to the renouncer, and Mr Alexander Burnet, servitor to Sir Thomas Hope of Craighall, his Majesty's Advocate, is writer of the deed. [Signatures.] On the back there is a warrant for registration in the books of Privy Council, signed by Sir Thomas Hope as procurator for the Laird of Panmure, dated at Edinburgh, 3d October, 1633.

20th August 1633. Writ by John Houston, messenger, with consent of James Stewart of Halrig, anent the assize of George Cochrane in Newton for adultery.

40. Writ by John Houston, messenger, whereby, with consent of James Stewart, apparent of Halrig, he passes from the charges given to John Hunter in Fischertoun, Robert Hunter, his brother there, John Henderson in Colungar, Thomas Kennedy in Drumschang, John Kennedy in Ten Schilling land, Robert Campbell in Knokincry, James Campbell, his son, John Gray in Ardachie, John Allasoune there, John McNedir in Hiltoun and James Mure in Cowdin; and they oblige themselves not to insist in further execution upon the assize of George Cochrane in Newtoun for his adultery with Janet Watsoun, wife of William Rodger in Ayr, of this present charge which was for 7th November, 1633. This writ is dated at Edinburgh, 20th August, 1633, and subscribed at Ayr, 2nd November, thereafter by James Steuart and Jo. Houstoun, mess^{r}.

Anent the same.

On the same paper is Certificate by Thomas Kennedy in Drumschang, bailie of the barony of Duntore, that he and each "of the remanent persounes" paid to James Steuart, apparent of Halrig, £5; and each of them to John Houston, messenger, 6s., to draw them out of the roll of the assize, dated and subscribed at Air, 25th December, 1633.

27th August 1633. Indictment of George Fraser and his wife, Giles Chalmer, for witchcraft.

41. Summons at the instance of Alexander Stewart against George Fraser in Outlaw in which the indictment against the said George Fraser and his wife, Giles Chalmer, of using witchcraft for the curing of disease is set forth. The document is much destroyed by damp, but it is sufficiently legible to show the nature of the charge. In the year 16 . . . George Fraser fell sick and had recourse to a notorious warlock, John Philp, who was afterwards burned for sorcery and witchcraft in the burgh of Bamff. John Philp came and remained with the sick man several days and having obtained a quantity of lax water from a south-running well in a white pitcher, which he brought to the house of George Fraser and warmed upon the fire, he washed him therewith

twice every day until he was cured. As this water was being thrown out a cat ran over it and instantly went mad, and in her fury leapt at the throat of Walter Fraser, kirk officer of Alvah, and almost worried and strangled him. Further, that on another occasion, in March, 1630, when he was sick he consulted Philp and they sent to a notorious warlock there, Walter Baird, who was afterwards burnt for witchcraft, and by their means he was cured of his trouble. Moreover, they associate with Philp, and receive instruction from him in his devilish arts, as charming beasts and cattle, taking off sickness and diseases from them. As also that the said George Fraser and his wife went through some form of enchantment taught them by the said John Philp with regard to their oat seed in their barn which had the effect of producing a far more plentiful crop than that of any of their neighbours. It is alleged that John Philp confessed the above to the ministry of the presbytery of Turreff. George Fraser and his wife were accordingly cited to appear for trial before the Justice or his deputes on 21st November next. The summons is dated at Edinburgh, 27th August, 1633. On the back is an instruction signed by John Bannatyne, depute to the Lord Justice Clerk, dated at Edinburgh, 12th November, 1633, to Alexander Anderson, messenger, to whom the foregoing summons was directed and by whom it is subscribed, that the said George Fraser and his wife had found caution in the books of adjournal for their compearance as charged. Miscellaneous Papers.

30th August 1633. Letter from his Majesty to the Chancellor anent granting protection to William Ballantyne of Corhouse to enable him to pay his creditors.

42. "CHARLES R.—Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and welbeloved counsellours and trustie welbeloved counsellours, wee greete yow well. Upon humble suite made unto us in behalfe of our trustie and welbeloved William Ballentyne of Corrous that wee might be gratiouslie pleased to graunt unto him a protection for a yeare, thereby the better to enable him (as he affirmeth) to take the more safe and speedie way to give his creditours satisfaction, wee did thereupon signe this inclosed protection, but withall thought fitt to referr it unto your consideration, willing yow to take such course therein as may best tend to the securing of the creditors and the better enabling of the pairtie for it, which is only our royall intention in this and hath been in all bussines of the lyke nature. Wee bid yow farewell. From our Court att Denmarke house, the 30 of August, 1633." Addressed to the Earl of Kinnoull, Chancellor, and the remanent Lords of the Privy Council of Scotland.

9th September 1633. Caution by David Mushet, fiar of Burn-

43. Bond of caution by James Muschett, fiar of Burnbank, for Sir John Hauldene of Glenegles, that he will pay to Archibald Edmonstoune of Duntreathe, commissioner for the small barons and freeholders of the shire of Stirviling at the last Parliament, 13s. 4d. for each pound

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land of his £18 land of Catteris in the said sheriffdome, as part of the said Archibald's charges and for furnishing him with a footmantle; as also that he will pay to James Muirheid, fiar of Lachope, commissioner for the small barons and freehalders of Dumbartaneshire to the said late Parliament of £3 4s. 4d. for each pound land of his £16 land of Barquhoies Haldanes, towards his charges and expenses as above, if it shall be found after discussing his suspension of their charge before the Lords of Privy Council that he ought so to pay; and that he shall pay such expenses as their Lordships may modify; with clause of relief; dated at Lenrick, 9th September, 1633; witnesses, Harry Murray, servitor to the said Sir John, Robert Muschett, writer in Edinburgh, and Walter Smith, lawful son of James Smith in Tollgairth, who wrote the bond. [Signatures.] On the back there is a warrant for registration in the books of Privy Council, signed by J. Wilsone, as procurator for the parties, at Edinburgh, 17th September, 1633. The bond is presented by Robert Muschett, writer in Edinburgh. bank, for Sir John Haldane of Gleneagles.

44. Bond of caution by Alexander Cunynghame of Montgrenane for Sir Thomas Boyde of Bonschaw, Adam Boyde, his brother, James Boyd, his servitor, and Williame Wallace of Failfurde, in 2000 merks for each person, that they will not molest William Cunynghame, uncle of the Laird of Montgrenane, and William Stewart of Wig, nor their wives nor households; with clause of relief; dated at Killuquhane, 14th September, 1633; witnesses, Mr. Hew Cathcart, son of the deceased John Cathcart of Cairlton, John Wallace, servitor to the said William Wallace of Failfurd, Gilbert Abircrombie in Killuquhane and Thomas McBlane in Enoch, notary, who wrote the bond. [Signatures.] On the back there is a warrant for registration in the books of Privy Council signed at Edinburgh, 17th September, 1633, by M. J. PAIP, as procurator for the parties. The bond is presented by John Stewart, servitor to Robert Wallace, writer. 14th September 1633. Caution by Alexander Cunningham of Montgrenan for Sir Thomas Boyd of Bonshaw and others.

45. Summons at the instance of Patrick Temple, servitor to Sir John Hamilton of Prestoun, narrating that on September instant when he was coming from Cassilltoun to , where he dwells, about 10 at night, he was suddenly assailed by Thomas Hog and John Cowtman in Trop . . . upon the highway near the town of Lint . . . and the said John Cowtman held him until Thomas Hog gave him two strokes on the head with an edged whinger to the effusion of his blood in great quantity. They then cast him to the ground, took from him his sword and whinger, and with the buttone of his cloke almost wirried him." When they thought him dead, they "rypped him to see what moneyes he had, and finding none gave him manie bauche and blae straikes on diverse parts of his bodie." These persons are therefore cited to appear before the Council on 25th September, under pain of 18th September 1633. Summons at the instance of Patrick Temple, servitor to Sir John Hamilton of Preston, against Thomas Hog and John Cowtman for assault.

horning. Dated at Edinburgh, 18th September, 1633 (signed) Ja: Prymrois. On the margin against the complaint there is noted "Past fra." Miscellaneous Papers.

3rd October 1633. Caution by Edward Maxwell, tailor, burgess of Edinburgh, for John, Earl of Annandale.

46. Bond of caution by Edward Maxwell, tailor burgess of Edinburgh, for John, Earl of Annerdaill, that he will pay to James, Lord Johnestoun, Elizabeth, Countess of Wigtoun, his mother, John Carruthers in Howmaynes, Matthew Wilsoun in Greinheid, alledged tacksmen of the teinds of the said Earl's lands of Lochmaben, the valued teind rent of these lands in terms of the valuation made or to be made and approved, and that between Yuile and Candlemas next. Likewise Thomas Maxwell, brother german of Herbert Maxwell of Kirkconnell, in the absence of and for the said Earl, obliges himself to relieve the said cautioner. Dated at Edinburgh, 3rd October, 1633; witnesses, William Maxwell, servitor to the said Thomas, John Henrysone, writer, and John Luif, servitor to Peter Barbour, W.S. The cautioner signs by the aid of George Halden, notary. [Signatures.] On the back there is a warrant for registration in the books of Privy Council dated as the bond and signed by Mr John Sandelands, advocate, as procurator for the parties.

7th October 1633. Discharge by Mr. William Oliphant of Kirkhill to James Primrose, Clerk of the Privy Council.

47. Discharge by Mr William Oliphant of Kirkhill acknowledging that he has received from James Prymrois, Clerk of Privy Council, the commission granted by the discharger to Patrick Mauld of Panmure for selling his lands, dated 8th September, 1632, in presence of Mr John Oliphant, sheriff clerk of Edinburgh, Henry Veitche, W.S., and John Sempill, his servant, as witnesses; and that he has also received the "letter of repositioun" by the said Patrick Mauld (*ante*, p. 564), dated 16th August, 1633, with the "haill evidents, letters and writts quhilks wer consigned be me in his hands and putt in a closse and locked buist quhairof the key has beene ever keeped be my selfe, and the said James had no forder medling in that mater but onelie to keepe the locked buist and evidents and writts being within the same," and of all which he now discharges the said James and his heirs and executors dated at Edinburgh, 7th October, 1633; witnesses, Alexander Stratoun son of Arthur Stratoun, W.S., and Thomas Tod, brother of Hugh Tod W.S. [Signatures.] On the back there is a warrant for registration in the books of Privy Council dated as the discharge and signed by Mr James Makgill, as procurator for the parties.

10th October 1633. Discharge by Sir William Murray of Touchadam and others to Dame Janet Lawson, widow of Sir

48. Discharge by Sir William Murrey of Tuchedam, knight, Sir Alexander Seytoun of Kilkreuch, knight, one of the senators of the College of Justice, Sir John Stirling of Garden, knight, and William Stirling of Ardoch, narrating that on 26th December last the Lords of Privy Council ordained Dame Janet Lawsone, widow of Sir John Edmestoun of that Ilk, to pay to them 2400 merks for the teind corns, and 185 bolls

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of victual for the rents of the Easter and Wester milne of Ednam at 10 merks the boll, intromitted with by her during the time libelled. She has consigned in the hands of James Prymrois, Clerk of the Privy Council, the said sum of 2400 merks, and 1850 merks for the price of the said bolls, and is willing that he give up the same to the dischargers upon a sufficient discharge thereof, which they hereby grant, without prejudice to the fulfilling to them of the other parts of the said decreet or of any action competent to them thereanent; dated at Luchall, Polmais, and Ardoch, 10th, 11th, and 12th October, 1633; witnesses (1) to the subscription of Sir Alexander Seytoun and Sir John Stirling, Ninian Setone and David Duncan, servitors to the said Sir John, and John Reddoch; (2) to that of Sir William Moray, Robert Wricht and John Squyar, burgess of Stirling; and (3) to that of William Stirling, Harie and John Stirling, his sons. [Signatures.] On the back there is a warrant for registration in the books of Privy Council dated 6th November, 1633, and signed by as procurator for the parties, the bond being presented by Mr William Stirling, writer.

John Edmondston of that Ilk.

49. Original of royal letter for demolishing the east and west partition walls within the church of St. Giles in Edinburgh, and making it the Cathedral Church of the bishopric of Edinburgh, printed *ante*, p. 136; directed on the back to the Earl of Kinnoul, Chancellor, and remanent noblemen and others of the Privy Council of Scotland.

11th October 1633. Royal letter anent the Church of St. Giles, Edinburgh.

50. Original of royal letter appointing the Bishop of Moray a member of the Privy Council, printed *ante*, p. 156; addressed on the back to the Earl of Kinnowle, Chancellor, and the remanent noblemen and others of the Privy Council of Scotland.

11th October 1633. Royal letter appointing the Bishop of Moray a member of Council.

51. Bond of caution by William Forbes of Barnis for Arthur, Lord Forbes, that he will render his house of Harthill if the Lords of Privy Council shall find he ought to do so, under a penalty of 8000 merks, and in obedience to the letters raised against him by Adam Abircrombie of Aldrayne; dated at Barnis and Harthill, 11th October, 1633; witnesses, Alexander Forbes, apparent of Barnis, and James Forbes, sons of the cautioner, Mr William Forbes, sometime minister at Keig, and William and Arthur Forbes, lawful sons of the said Lord Forbes, and James Ballantine, his servitor. [Signatures.] On the back there is a warrant for registration in the books of Council by Mr. John Gilmour, advocate, the bond being presented by George Stewart, servitor to Walter Hay, advocate.

11th October 1633. Caution by William Forbes of Barnes for Arthur, Lord Forbes.

52. Discharge by William Cranstoune in Moristoun of all right or interest he can pretend to or in the sum of 4250 merks consigned by Dame Janet Lawson, widow of Sir John Edmistoun of Ednem, in the

27th October 1633. Discharge by William Cran-

ston in Moriston, to Dame Janet Lawson.

hands of James Primrosse, Clerk of the Privy Council, to be paid to Sir William Murray of Tuchadam and the others mentioned in their discharge of 10th October (*ante*, p. 568); dated at Greinknow, 27th October, 1633; witnesses William Setoune, brother german of the deceased James Setoune of Touche, William Lyll of Bassindane, Williame Home in Eist Nisbet, and Thomas Haistie, servitor to Dame Barbara Cranstoun, Lady Touche. The bond is written by Mr William Stirling, and on the back there is warrant for registration in the books of Privy Council dated 6th November, 1633, and signed by as procurator for the discharger. Miscellaneous Papers.

28th October 1633. Royal letter anent St. Anthony's Chapel.

53. Original of royall letter relating to Mr William Wishart and the preceptory of St. Anthony at Leith, printed *ante*, p. 228; directed on the back to the Earl of Kinnowle, Chancellor, and the remanent nobles and others of the Privy Council of Scotland.

14th November 1633. Certificate signed by Mr. James Melville, minister at Alvah, and others testifying that George Fraser in Sandlaw, and his spouse, are innocent of witchcraft.

54. Testificate in favour of George Fraser in Sandlaw and Giles Chalmer, his spouse, signed by Mr James Melvill, minister at Alvah, Mr William Chalmer, minister at Innerboyndy, and Robert Craig, reader, of Awache, dated at Awache, 14th November, 1633. They declare that the said George Fraser and Giles Chalmer, who have been indicted to stand their trial for consulting with witches, etc., are entirely innocent of not only that but of all other public crime or imputation, so far as known to them. The said George has been an elder of the sessions of Awache during all the time the present minister has served there, and that is seventeen years, and still remains so. And as to the assertion of "that infamous lyeing lybell," so far from neglecting the ordinary means for his relief from sickness appointed by God, he caused his minister, Mr James Melvill, write to Dr. Dowglas, then dwelling in Banff, to come and visit him, sending gold therewith for this purpose. "Quhilk he did with all diligence, accompanied with the said Mr James, and efter quhilk visitatione the said Doctour, haveing tacken consideratione of the disease, returned to the said Mr James Melvill his house, and sent away the said James servitor, Johne Ord, to Bamff, to his garden thair, albeit under silence of the nicht, with directione to his owin wyffe to heat ane caldron full of water and by his letter poynting out ane part of the garden directit her to cast the hail water thairupoun for opening of the ground, it being ane great storme and frost and to send all the herbes quhilk wer in that proper place. Quhilk the said John Ord bringing with diligence, togither with wyne seck, upoun the morrow the said Doctour and the said Mr James went to the said George Fraser againe and at dyverse uther tymes gave to the said George potiones and drinks quhill at the last he convaleist and came to his owin health."

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55. Discharge by James Steuart, apparent of Halrig, and John Crinks, to John Bell, releasing him from attending the assize upon which he has been summoned. [Signatures.]

19th November 1633. Discharge from attending assize to John Bell.

56. Extract Decreet from the Books of Adjournal of the justice court held in the tolbooth of Edinburgh on 21st November, 1633, by Mr Alexander Colvile of Blair, Justice Depute, in the case of George Fraser in Outlaw and Giles Chalmber, his wife, who were cited at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Alexander Steuart in Briggishillok, as his informer, to underlie their trial for using sorcery and witchcraft. They are charged as follows :— When in 1630 the said George Fraser fell sick, he, by the advice of his said wife, in violation of the Act of Parliament against consulting witches, etc., in June, 1663, consulted with the deceased John Philpe, whom thay knew to be a notorious warlock and sorcerer, and who was afterwards apprehended, convicted and burned for witchcraft at the burgh of Banff, to cure him by devilish and unlawful means. The said informer appeared by William Downie, servitor to Mr Alexander Hay, one of the Clerks of Session, in terms of a letter of procuratory signed by the said Alexander Steuart at Dewchris on 11th November instant, who produced the criminal letters, and asked instruments and protested for the relief of Walter Mylne of Rosieburne, his cautioner. George Fraser compeared personally and entered himself upon panel, and with him compeared Mr James Baird and Mr David Prymrois, advocates, as his procurators, who produced a testimonial subscribed by Mr James Melville, minister at the kirk of Ava, Mr William Chalmer, minister at Inverboyndy, and the reader at the kirk of Ava, in name of the elders thereof, dated 14th November instant, as narrated *ante*, p. 570. In respect of tho non-compearance of the Lord Advocate to pursue, the judge ordained the diet to desert and discharged the outgiving of any criminal letters against the said George Fraser and his spouse before Midsummer next, and that, if any are then sought, the purchaser shall require to find caution in £1000 before they are granted, and the cautioner's name shall be intimated by the clerk to the panel's advocates foresaid. Whereupon the said George Fraser and his advocates asked instruments and protested for the relief of Alexander Ritchie, burgess of Banff, his cautioner, and also for compensation against Thomas Steuart of Ryland, who was personally present as informer. The extract is subscribed by Jo. Bannatyne, clerk depute of Sir George Elphingstoun of Blythiswoid, knight, Justice Clerk.

21st November 1633. Anent George Fraser in Outlaw and Giles Chalmber, his wife, who are accused of sorcery and witchcraft.

57. Summons at the instance of George Fraser of Outlaw and his wife against Thomas Stewart of Ryland, as narrated above; dated 4th December, 1633, and signed Ja. Prymrois. On the margin is noted the hearing of the case on 14th January, 1634.

4th December 1633. Summons at the instance of George Fraser of Outlaw and his wife against Thomas Stewart of Ryland.

6th December 1633. Summons at the instance of John, Earl of Annandale, against Fergus Graham of Blaatwood.

58. Summons at the instance of John, Earl of Annerdaill, against Fergus Graham of Blaatwood, as narrated *ante*, p. 173; dated at Edinburgh, 6th December, 1633, and signed by Ja. Prymrois. On the margin and on the back there is noted the finding of the Lords on the 19th December following.

13th December 1633. Note of Execution of summons by Adam Clerk, messenger, at the instance of John, Earl of Annandale, against Fergus Grahame of Blaatwod.

59. Note of execution of summons on 13th December, [1633] by Adam Clerk, messenger, at the instance of John, Earl of Annerdaill, against Fergus Graham of Blawetwod, at his dwelling place and also at the market cross of Lochmaben, to compear before the Council on 19th December instant; witnesses, Thomas M^c^Burnie, notary, . . . Dowglas, son to John Dowglas of Killivarane, and Thomas Clerk, at Blawetwode, and also John Richardsone and Thomas Nesche, at the said market cross.

14th December 1633. Fragment of a summons.

60. Fragment of a summons dated at Edinburgh, 14th December, 1633, and signed by Ja. Prymrois, which from a note on the margin seems to refer to the case of Logan, messenger.

16th December 1633. Summons at the instance of Elizabeth Bathgate and Alexander Pea, maltsman in Eyemouth, her husband, against Sir Patrick Home of Ayton and others.

61. Summons at the instance of Elizabeth Bathcat and Alexander Pea, maltman in Eymouth, her husband, against Sir Patrick Home of Aittoun and others, as narrated *ante*, p. 176. It is directed to John Richartsone and George Stewart, messengers, and is dated at Edinburgh, 16th December, 1633, and signed Ja. Prymrois. On the margin there is a note of the decision of the Lords in the case on 9th January, 1634; and on the back a note of the execution of the summons by George Stewart, messenger, on 1st January, 1634, against Sir Patrick Home and Mr John Home, both personally apprehended before these witnesses, Mr George Home, minister at Aytoun, and Mr George Ochterlony in Eymouth, in the case of the said Sir Patrick, and John Gray and John Broun, portioners of Eymouth, in the case of the said Mr John Home.

19th December 1633. Anent the proceedings of the Lords in the complaint of David Robertson, bookbinder in Edinburgh, against Manasses Vantrolier, also bookbinder there.

62. Extract from the Books of the Acts of Privy Council under the subscription of "Jacobus Prymrois," narrating the proceedings of the Lords in the complaint of David Robertsone, bookbinder in Edinburgh, against Manasses Voltroller, also bookbinder there, as narrated *ante*, p. 174, with this difference, that Mr Alexander Fouller is said to compear with the pursuer as his procurator. On the margin, however, there is a note of the further procedure in the case on 9th January, 1634, when Alexander Fouller is given as the defender's procurator, and the case is continued to [Tuesday] next. There is also a note of the later proceedings upon 14th January, as narrated *ante*, p. 182.

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19th December 1633. Statement by James Douglas, macer, to the effect that he has only put to the horn certain specified persons who have failed to settle their accounts with the Exchequer.

63. "Upon the nynetein day of December, the yeir of God 1633 yeirs, I, James Dowglas, maisser, past at command and be vertew of thir our Soverane Lordis letters within writtin (raisit at the instance of his Majesties Thesaurares principall and deputie) to the merket croce of Edinburgh and thair with sound of trumpet and opin proclamatione in his Majesties name and auctoritie of new maid intimatione to the haill persones withinnamit and everie ane of thame for thair awin pairts of the said former chairge, with certificatione to thame and they compeired nocht and endit thair compte in Exchequer betuixt and Setterday nixt, the twentie ane day of December instant, I wold denunce thame his Majesties rebells and put thame to the horne, and ordein thair moveable goods and geir to be esheit and imbroght to his Majesties use for thair contemptione, eftir the forme and tennor of the saids letters in all points; quhairof I affixit and left ane copie upon the said mercate croce of Edinburgh, befoir thir witnesses, Mark Smyth, trumpetter, and William Lindsay, post in Edinburgh; and for the more verificatione to this executione and indorsatione, subscrivit with my hand, my stamp is affixed." (Signed) "J DOWGLAS maisser." (Stamp.)

"And becaus the persones above chairged particularlie efter-following, they are to say: custumar of Eymouth, Sir William Dowglas, shireff of Roxburgh, Johne Stewart of Coldinghame, Sir George Home, feware of Flenningtoun and Fairnyside, the provest and baillies of Lanerk, the shireff of Lanerk within burgh, the customair of Dumfreis, Stewart of Annendaill, fewar of Duncow, James, Lord Johnestoun, fewar of Newbie, Maxwell, fewar of Castellmilk, Johne Johnestoun, feware of Turmoir and Montrig, William Irwing, fewar of Stirksheill, Stewart of Kirkcudbright, customer of Kirkcudbright, the provest and baillies of Stranraver, shireff of Wigtoun, customer of Wigtoun, the baillies of Lochmaben, the provest and baillies of New Galloway, Johne, Lord Lowdoun for Kyllismuire, receaver of Stewartoun, Sir William Cunynghame of Caprintoun, baillie of Kyllstewart, baillie of Cunynghame, baillie of Carick, feware of Trabrache and Carinyean, baillie of the regalitie of Croceraguall, the baillies of Rose, shireff of Argyll and Tarbet, customer of Stirling, shireff of Bathgaitt, Alexander, Erle of Linlithgow, portioner of Kerse, Patrick Justice, fewar of Winshilhauche, Lord Forrester, shireff of Edinburgh, Lindsay, fewar of the Kings Wark in Leith, Johne Burnes, custumar of Hadintoun and Dumbar, chambirlane of Dumbar, fewar of the Erledome of Mairche, fewar of St. Jermanes, Johne, Erle of Wigtoun, Sir William Dowglas of Cavrise, Sir Patrick Murray for Langshaw, Johne, Erle of Lawdirdaill for the Kirk of Lawder, Dunypace for the kirks of Larber and Dunypace, James, Lord Colvill for the kirk of Tillicutrie,

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the baillies of Auchterarder, chambirlane of Huntingtour, baillie of the regalitie of Dumblain, the Lord Stormonth for Skoone and Elcho, the Erle of Murray, stewart of Monteith, and Lord St. Colme, fewar of Eister Kennet, shireff of Clakmannan, shireff of Fyffe, Thomas, Erle of Kellie, Patrick, Lord Lindoris, and Johne, Erle of Rothes for Lindores, baillie of the regalitie of Mussellburgh, baillies of Pittinweyme, stewart of the regalitie of St. Androis, James Kinnimouth, chamerlane of Fyffe, James, Lord Colvill, the provest and baillies of Montrose, baillies of Bervie, Erle Mairshall for Deir, fewar of Kintor and Garvock, fewar of Tavillie, fewar of Creichie, Sir William Forbes of Craigievar, fewar of Fintrie, fewar of Eister Disblair, Sir Alexander Irwing, fewar of Kinmulis, shireff of Bamff, provest and baillies of Bamff, baillies of Rattray, Thomas, Lord Kinloss, shireff of Elgin and Forres, provest and baillies of Elgein, customar of Spey and Findorne, Alexander McKeinzie of Pluscarden, shireff of Nairne, William Sutherland of Duffus, Mr Alexander Keith, Alexander Gordoun of Sydra, James Dowglas of Bogsyde, fewar of Pittindreiche, fewar of Leamishauche, fewar of Bewfort, shireff of Cromartie, baillies of Cromartie, baillies of Rosemarky, baillies of Dingwall, Lord of Bewlie, Lord of Ferne, shireff of Caithnes, baillies of Weik, fewar of Moydart and Heyth, and everie ane of thame, hes dissobeyit the chairge and intimatione given to thame in maner abovementionat; therfore I, the said James Dowglas, maissar and shireff in that pairt within constitute, upon the threttein day of Januare, the yeir of God j^m vj^c threttiefour yeirs, past to the mercate croce of Edinburgh and thair with sound of trumpet denunced the haill persones abovenamit our Soverane Lordis rebellis and put thame to his hienes horne be thrie blasts of ane horne, as use is and ordanit all thair moveable goods and geir to be imbroght to his hienes use for thair contemptione. This I did efter the forme and tennor of thir saids letters in all points before thir witnesses Mark Smyth, trumpetter, George Donaldsone, keeper of the Exchequer hous doore, and William Lindsay, post in Edinburgh; and for the more verificatione to this my executione and indorsatione, subscryvit with my hand, my stamp is affixed. (Signed) J. DOWGLAS, maisser.

24th December 1633. Execution of summons at the instance of George Fraser in Outlaw and Giles

64. Execution of summons by William Cuming, messenger, at the instance of George Fraser in Outlaw and Giles Chalmers, his wife, (1) on 24th December, 1633, against Thomas Stewart of Ryland, personally apprehended at his dwelling house in Deuchries, and Alexander Stewart in Briggishillok, personally apprehended beside the Smiddiehills

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of Banff, before in Barlethil and James Gibboune, servant to the messenger for the time; and (2) on 2nd January, 1634, against Alexander Anderson, messenger, personally apprehended, before Robert Adame in Fordyce and the said James Gibbone; charging them to compear before the Lords of Privy Council at Edinburgh on 14th January next. Chalmers, his wife, against Thomas Stewart of Ryland and others.

65. Testificate to the Lords of Privy Council and Lords of High Commission in favour of the bearer, George Fraser, sometime in Outlaw, now in Sandlaw, and Giles Chalmer, his wife, who are being prosecuted for sorcery and witchcraft by Alexander Steuart in Briggishillok and Sir Thomas Hope of Craighall, King's Advocate, who appeared before the subscribers, viz., the provost, bailies and council of the burgh of Banff, showing how they were traduced and desiring them to testify to their honest lives and Christian conversation and behaviour; and this they do, testifying to their knowledge that the said George Fraser and his wife have dwelt and had their residence all the days of their householding within four or five miles of this burgh of Banff, and "haiff leivit and cariet themselffes honestlie, christianelie, soberlie and crediblie, as became Christianes of their estait and qualitie, but scandall or reproche of kirk or comownewealthe hitherto be thair desert in sa far as evir we culd learne or trye. This we declair to be of treuthe wpone our honestie and conscience according to our knawledge." Dated at Bamff, 30th December, 1633. (Signed) Georg Baird, prouest; A. Baird, ballie; Patrick Flemyng; G. Steuartt, balze, Alexander Setoun, minister at Banff; Alex^{r} Wynchester, ane of the Counsel; Thomas Scheroune, ane of the Counsel; J. Wynchester, clerk. 30th December 1633. Testificat to the Lords of Privy Council and Lords of High Commission in favour of George Fraser and Giles Chalmer, his wife, who are accused of witchcraft.

66. Note of prorogation of the protection granted to [Mr John Oliphant] until 9th January next.

On the other side of the paper is a further prorogation, dated at Edinburgh, 9th January, 1634, to Mr John Oliphant, advocate, as narrated *ante*, p. 177. The document is much spoiled. 30th December 1633. Mr. John Oliphant.

67. Note of proceedings apparently before the presbytery of Perth in the complaint of John Colt, mason, against Mr David Williamsone, minister at Kilspindie.

At Perth, 1st January, 1634. Compeared John Colt, mason in Perth, who gave in an accusation in writing against Mr David Williamsone, minister at Kilspindie, that, as he and his servants were working at the kirk of Kilspindie, the said Mr David "bosted and minassed him and put violent hand and stroke him." The brethren in their desire to show equity to parties, notwithstanding that it was against the Apostolic rule to receive an accusation against an elder without assisting witnesses, agreed to accept the accusation, the said John obliging himself 1st–15th January 1634. Note of proceedings in the complaint of John Colt, mason, against Mr. David Williamson, minister at Kilspindie.

to stand by their determination in the matter, and also to prove his bill by witnesses. This he did and said he would produce witnesses, especially one Robert Foord, servitor to the Laird of Fingaske, within the said parish of Kilspindie, as no other competent witnesses could be found. The said Mr David agreed to this as a sufficient number, with this provision, that, in case he had anything to lay to the charge of the said John, one unsuspected witness should in like manner be sufficient. This also was granted by the said John. Miscellaneous Papers.

Whereupon the said Mr David gave in a bill of complaint against the said John Colt and his servants, Alester Maklaran and James . . . , that they "upbraidit the said Mr David and his beddell with many injurious and contumelious speaches for brakeing the tymber and yron worke of the kirke yeard yeatt, for pulling downe baks and couppels within the kirke and fylling thereof, for medling with the said Mr David's tymber and treas," and other particulars expressed in the libel. The brethren ordain both parties to have their witnesses ready against their next meeting, and both oblige themselves, the said Mr David by his subscription and the said John "be his marke usuall, such as he uses in barganings and indentours," to stand to the brethren's determination, and to abstain from any offence until the matter be judged, under the penalty of £40.

At Perth, 8th January, 1634. Parties and their witnesses having been called, Mr David Williamsone sent a written excuse that he had sustained a dangerous fall the previous night, which excuse was admitted, and John Colt agreed to supersede the matter until next meeting. The witnesses not compearing are ordained to be summoned *pro secundo.*

At Perth, 15th January, 1634. Robert Foord, servitor to the Laird of Fyngaske, in the parish of Kilspindie, being sworn by uplifting of his hand, and questioned about what took place, declares that as concerning the "scandalous words," which are only generally libelled, he cannot testify until particular words are specified, but that "thar war many evill words on baith sydes." As concerning "straiks," he cannot on his conscience say that he saw Mr David strike the said John, but only after being provoked with outrageous words did "mint a straik" at him. Thereupon compeared Alexander Lyndsay of Armebathe, lawful son of Alexander, Bishop of Dunkeld, in name of the whole heritors of the parish of Kilspindie, as he alleged, and protested that the brethren would not meddle with the civil part of the complaint given in by the said John Colt as not belonging to them. The brethren thereupon desired to see his commission, but this he refused to show, and his protestation was accordingly repelled, the brethren declaring that the said John had submitted the whole matter to them under his mark, and further that "now it was nott *res integra* bot past *litis contestatum.* The witnes was accepted, examined and had deponit." Mr David

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Williamsone thereupon took instruments in the hands of Patrick Ross, notary, and was ordained to summon his witnesses *pro tertio* against the next day. The whole proceedings are extracted and certified by Mr Henrie Adamsone, scribe thereto.

68. Summons at the instance of Walter Howesoun, cordiner in Fisherraw, against Patrick Edmonstone of Wolmet and others, as narrated *ante*, p. 176 ; dated at Edinburgh, 4th January, 1634, and signed Ja. Prymrois. On the margin is noted the decision of the Lords in the case on 9th January following; and upon the back are noted the depositions of several witnesses. Mungo Wright depones that the bailie —William Scot, bailie in Musselburgh—upon the complaint of Wolmet, committed the pursuer to ward and kept him therein four days. James Miller depones that upon Wolmet's complaining to the said bailie that the pursuer had sworn to burn his barnyard, and having proved the same by witnesses, and also made faith that he dreaded the pursuer would carry out his threat, the bailie committed him to prison until he found caution for Wolmet's indemnity, and for his remaining in ward three days. William Scobie depones that he knows the pursuer was in ward but nothing more.

4th January 1634. Summons at the instance of Walter Howieson, cordwainer in Fisherrow, against Patrick Edmondston of Wolmet and others.

69. Certificate by Alexander Anderson, messenger, as follows:—He has been charged at the instance of George Fraser in Outlaw to appear as a witness against Thomas Stewart, fiar of Ryland, to prove the executions by him of charges in November last, and that they were made at the instance of the said Thomas Stewart against the said George Fraser. He is not able, either on horse or foot, to keep the 14th of January for which he is cited, but for obedience of the charge he has delivered the roll of the names which he received under the hand of the said Thomas Stewart, at whose command accordingly he served the charge, at his expense, and to whom he returned the letters duly executed. This roll he has delivered to the said George Fraser, and has written this certificate thereof at . . . . , 6th January, 1634 ; witnesses, William Gordowne of Muraik, Walter Stewart in Ryland, brother german of the said Thomas, Mr Thomas Mortimer at the Mill of Bradouk, and Mr James Wynchester, notary, town clerk of the burgh of Banff. [Signatures.]

6th January 1634. Certificate by Alexander Anderson, messenger, in the case of George Fraser in Outlaw against Thomas Stewart, fiar of Ryland.

70. Roll of names referred to in the preceding paper of witnesses and others in the case of George Fraser in Outlaw [torn at beginning]. "Maister James Mallein, parsone of Albache; *p.* Maister William Chalmer, parsone of Boindie; *p.* Maister Thomas Moirtemer; *p.* Walter Fraser, kirk officer; *p.* Thomas Byche; *d.* Patrick Ree; *d.* John Mechell in Bleitchmath ; *p.* John Cullan, thair; *p.* William Fordyce in Newtowne ; *p.* Andrew Tailyeour ; *d.* John Gullane, thair ; *p.* Maister James Hay ; *p.* James Hay, younger ; *p.* Robert Broun in Roissburne,

6th January 1634. Roll of names referred to in the preceding paper.

off[icer]; *p.* Robert Andersone; *p.* Robert Innes (?); *p.* George Ademsone; *p.* John Stevisone, thair; *p.* Walter Leith; *p.* William Allane, younger; *d.* Herie Wise; *d.* John Meldrum; *d.* Thomas Myll in Schowestons; *d.* John Duiffus in Colane; *d.* Allexander Reid; *p.* Allexander Tynet. (Signed) Thomas Stewart. [On the back] . . . . George Fraser, the tent of Nowember to the 27 of Nowember 1633 yeiris." Miscellaneous Papers.

7th January 1634. Note of execution at the instance of Alexander M'Lean, sometime in Barvennack and now in Carisdouche, against Patrick Agnew and others.

71. Note of execution by Patrick Calbrethe, messenger, of summons at the instance of Alexander McClaine, sometime in Barvennack and now in Carisdouche, and Andrew McClunquha in Dowis, in their complaint against Patrick Agnew of Barmaill, as narrated *ante*, p. 181; (1) on 7th January, 1634, against the said Patrick Agnew, John McCrotchert, John McKeachie, Fergus Lilburn and John McCarmuch, at their dwelling houses, and then at the market cross of the burgh of Wigtoun, before these witnesses, Robert Maxwell in Clerkscroft in Knok, Robert Maxwell in Keroche, John McKie in Barvannock, John Dunce in Wigtoun, and John Carbrethe there; and (2) on the same day against the foresaid persons, and against Robert Maxwell in Clerkscroft, John Maxwell in Barvannock, John McCrobe in Moure, David McBryne there, and John McCouthie, servitor to Edward Maxwell, to compear in the said matter as witnesses before the Lords of Privy Council upon 14th January next; witnesses to the service being William Maxwell of Munreith and John Dunce and John Calbrethe in Wigtoun. There is also (3) Execution by George Gordon, messenger, on 10th January, 1634, against the said Patrick Agnew, Fergus Lilburn, and John McKeachie, all presently in the tolbooth of Edinburgh; witnesses, John Broun and William Lyndsay, posts in Edinburgh.

7th January 1634. Note of execution at the instance of Walter Howieson against Patrick Edmondston of Wolmet.

72. Note of execution by Patrick Anderson, messenger, of summons at the instance of Walter Howisone in his complaint against Patrick Edmonstoun of Wolmet, narrated *ante*, p. 176; (1) on 7th January, 1634, against the said Patrick Edmestone of Wolmet and William Scot, bailie of Musselbrughe, before these witnesses, George Thomsone, mealmaker in the Potterrawe, Gilbert Bathcat, servant to the goodman of the Wolmet, Walter Smart, burgess of Musselbrughe, and William Beir, tailor, indweller in Fischerrawe; and (2) on the same day against Mungo Wricht, cordiner, indweller in Leyth, James Miller, officer in Musselbrughe, and William Scobie, tailor there, as witnesses, in presence of Walter Smart and William Beir foresaid.

10th January 1634. Testificate by Robert Hamilton, minister of Monkton, anent the case

73. Testificate by Robert Hamilton, minister of God's Word at the kirks of Moonktoun and Prestuike in Kyle Stewart within the presbytery of Ayr, that William Dooke in Moonktoun, Hew Houstoun there, John Smith there, John Clarke there, John Dalrymple there, Adam Rae there, John Dooke there, Cuthbert Hunter there and William Cargill

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of George Cochrane, burgess of Newtown, who is accused of adultery.

there, were all summoned by John Cruixe in Kilmarnock, messenger, upon 3rd November last, "being the Sabbathe day, after daylicht going," to compear before the Lords of Council on Thursday, the 7th day of the said month; as also that William Fergushill in Prestuike, Adam and John Gottray there, John Neill, elder and younger there, Allan Duncan there, John Blair there, John Mowat in Newtoun, Alexander Broun there, William Wallace there, John Hendirson there, William Wause there, and James Quentane there, were all summoned by John Houstoun, messenger in Ayr, to appear before the Lords of Council on 7th November last, to pass upon the assise of George Cochrane, burgess of Neutoun, for his alleged adultery with Janet Watson, the wife of William Rodger in Ayr, and that by letters at the instance of Lord Traquhair, Treasurer Depute, and Sir Thomas Hope, his Majesty's Advocate; and further that the said two messengers, by advice of James Stewart, apparent of Halrig, passed from the summons and took composition therefor from each of the persons above named, some less, some more. This the said minister testifies to be of verity and writes the same with his own hand at Moonktoun kirk, 13th January, 1634. (Signed) Mr Ro^{t} Hammiltoun, minis^{t} at Moonktoun and Prestuike.

12th January 1634. Testificate by Mr. Robert Montgomery, minister at the kirk of St. Quivox, anent the same case.

74. Testificate by Mr Robert Montgomerie, minister at the kirk of Sanctkavox, that he was summoned by John MacCrae, messenger, at the instance of Sir Thomas Hope of Craighall, King's Advocate, and John Kennedie, notary in Ayre, his informer, to compear before the Lords of Privy Council on 16th . . . as a witness against James [Stewart, apparent] heir of Harig, John Houstoun and John Cruix, messenger, for abusing the lieges and taking compositions from them for warranting them to remain at home from passing upon the assise of George Cochren in Newtoun; and that the said John Kennedie, considering that such a distraction from the work of the ministry would be very hurtful, has thought it sufficient that he should testify what he knows under his hand. He therefore certifies that John Cruix, messenger, came to the kirk of Sanctkavox and after divine service summoned several persons in the parish to pass upon the assise foresaid on the Thursday following, and that the said messenger received from John Bine, elder, and his son, John, a dollar and a half. But this was reported to him by others, for he saw it not himself. Dated at the kirk of Sanctkavox, 12th January, 1634. (Signed) M. R. Montgomerie, minister at the kirk of Sanctkavox.

14th January 1634. George Fraser and Thomas Stewart.

75. Scroll of the decree of the Lords of Privy Council in the action by George Fraser against Thomas Stewart, as narrated *ante*, p. 179.

14th January 1634. Scroll of the Decreet in the

76. Scroll of the Decreet in the case of Magnus Fraser and others against Thomas Stewart, fiar of Ryland, and others, as narrated *ante*, p. 180. On the back there is a note of the witnesses produced in the

case of Magnus Fraser and others against Thomas Stewart, flar of Ryland, and others.

case, (1) for Magnus Fraser—Patrick Gill in Blaktoun, George Davidsoun, burgess of Banff, and Thomas Smyth at the Mill of [Ryland]; and (2) for John Wallace—James Mintie in Muriehill, tenant of the said Thomas Stewart, James Mylne at the kirk of Boyndie, Walter Cuper in Murihill, also tenant to the said Thomas Stewart, and Alexander Shireff in Craigheid.

c 14th January 1634. Supplication by David Robeson against Manasses Vautrollier.

77. Supplication by David Robesone, "quha is most wrongouslie haldin in waird by Manasses Valtroilleir, praying your honorable lordships for Godis caus to releive me at his hands." Their lordships know that he has a discharge of the horning for which he put him in ward, and that contrary to their ordinance he "sueeris gif your lordships relive me to-day hie sall put me in waird to morne. I heave satisfiet the beallzeis for laborowis to him. Hie gois and byes all the debtis that he can gett knowledge I am awin to gett thair power to areist me in upon contempt. For the favore of God lett yowr lordships peittie my distresit wyfe and childrin quha is abill to leak for want of mentinance. Lett it pleis yowr lordship for Gods caus for his wrongous deaillinge with me to caus him pay javlour fie this fourtie dayis quho hes upon malice holdin me in waird that is awin him nothing, as ever I sall be readie all tymes to pray ewer for yowr lordships, and yowr lordships favour for Chryst sak I beseik." Undated.

14th January 1634. Supplication by the same against the same.

78. Supplication by David Robesone, who lies still in ward at the instance of Manasses Votroleir, notwithstanding their Lordships' ordinance last Council day, and is ready to famish for want of maintenance. He has caused cite the said Manasses by one of their Lordships' macers, and prays to be confronted with him before them so that order may be taken in his case. He will pray for their Lordships' happiness in this world and in the world to come. [On the back] Scroll of the Decree of the Lords of Council in the case on 14th January, 1634, as narrated *ante*, p. 182.

16th January 1634. Supplication by John Cumming of Kirkton of Aberlemmo.

79. Supplication by John Cumming of Kirktoun of Aberlemmo for a protection, as narrated *ante*, p. 182. [On the back] ". . . (torn) . . . ary, 1634. *Fiat ut petitur* to the last of March. GEO. CANCELL[R], GLASGOW, WINTOUN, KINGORNE, ANNANDAILL, DUMFRIES."

c 16th January 1634. Supplication by John Talbert.

80. Supplication by John Talbert, as narrated *ante*, p. 183. The document is so much destroyed that the endorsement cannot be made out, except so far that it is signed by the Chancellor I.P.D., and that the supplicant has found caution.

18th January 1634. Summons at

81. Summons in the complaint at the instance of Mr. Alexander Hamilton of Kinglassie, as narrated *ante*, p. 190; dated at Edinburgh,

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18th January, 1634, and signed Ja: Prymrois. The summons is directed against James Carnes, and also against Thomas Paterson (?), George Hodge, Patrick Robertsone in Borrowstouness and others as witnesses (but whose names are illegible). On the margin is a note of the hearing of the case on 23rd January when the pursuer appeared but not the defender; and the latter is ordered to be charged to enter himself in ward. The pursuer is also ordained to pay two merks to each of his two witnesses. It is further noted that this day the defender compeared, and enacted himself to compear upon Tuesday under a penalty of £100; and that the pursuer, who had already led probation, is ordered to do so again. The Lords also grant a protection to the pursuer for eight days. There is also noted the finding of the Lords in the case on 28th January, 1634.

at the instance of Mr. Alexander Hamilton of Kinglassie against James Cairns and others.

On the back is noted the evidence of the witnesses:—George Hodge depones that the said James Cairnes had the charge of the complainer's works and payment of his workmen, and that he has withdrawn several workmen from the coalworks, while Cairnes himself left the same fourteen weeks ago.

Patrick Robiesone testifies to the same effect.

On the 28th January, Alexander Crawfurd depones that James Cairnes was overseer of the pursuer's works, and that the pursuer, having laid him in ward and taken a band of him, the defender left the works.

Robert Sympsone depones that for many years past Cairnes has been overseer of the defender's works, and himself left the same and caused others to do so.

John Deans depones similarly, and that some of the workmen left the works owing to not receiving payment of their wages.

82. Testificate to the Lords of Privy Council that upon 7th January instant, Mr David Williamsone, minister at Kilspindie and Raitt, "comming frome the towne of Scone to his owin house in Kilspindie was constrainit through the injurie of weather, wind and snawe to wander and gowill in the hills for the space of sex or seven houris; and in end, quhilk is notoriouslie knowne to ane great part of the country, he fell of the highway alongs a steep bray threttie faddome deep or therby, as we ar crediblie informit within the den of . . . . . , wher, be God's wonderfull providence, his lyff was miraculouslie safe; since the quhilk tyme he hes been and presentlie is deceasit and under cuir, bruisit in his bodie and inwardlie lowsit in his bellie, swa that he can not travell from home bot with great hazard of his health and lif." This the subscribers know and certify at Kilspindie, 19th January, 1634. (Signed) M. Ihone Grahan, minister at St. Mertyns, Mr Ja: Fouller, minister at Kinfanis, Mr Johne Barclay, minister at Kinnerd.

19th January 1634. Testificate to the Lords of Privy Council that Mr. David Williamson, minister at Kilspindie, is disabled by an accident.

20th January 1634. Summons presented by Archibald Dunbar of Baldoun.

83. Fragment of a summons dated at Edinburgh, 19th December, 1633, and signed Ja: Prymrois, on which there is noted as follows:— "Apud Wigtomam, vigesimo die mensis Januarij 1634 yeirs. Thir letters with the executiounis thairoff, presentit be Archibald Dunbar of Baldone, one of the complinaris thairin contenit, and registrat in the Shereff court buikis of Wigtoune, conforme to the Act of Parliamentt." (Signed) Tho: McKie, clerk. Miscellaneous Papers.

23rd January 1634. Consent to a protection to Alexander M'Culloch of Myreton.

84. Writ of Consent by John Makculloch of Ardnell, Robert McAllexander of Corseclayis, and John Inglis and John Fairholme, merchants, comburgesses of Edinburgh, to the granting by the Lords of Privy Council of their protection to Alexander Makculloch of Myretoun for pursuing his debtors, provided it do not extend beyond the last day of March next; dated at Edinburgh, 23rd January, 1634, the deed being written by John Kennedy, notary burgess of Air. [Signatures.]

28th January 1634. Supplication by George Chalmers of Balbithen.

85. Supplication by George Chalmers of Balbithen, as narrated *ante*, p. 191. [On the back] "*Apud* Edinburgh, 28 January, 1634. Ordains the Laird of Meldrum to be wairnit to Thurisday nixt to heir the desyre of the bill granted. (Signed) MORTON I.P.D." Also Note of execution of this order on 30th January, 1634, by William Dowglas, macer, against Mr William Seatoun, personally apprehended, for his appearance the same day before the Lords of Privy Council; witnesses, Mr James Duirie in Dumfermling, and John Our, tailor in Edinburgh. There is also noted on the margin the proceedings in the case on 30th January.

1st February 1634. Supplication by Alexander, Earl of Galloway, against John M'Culloch of Ardwell.

86. Supplication by Alexander, Earl of Galloway, and Sir Thomas Hope, King's Advocate, against John McCulloch of Ardwell, as narrated *ante*, p. 267. Subscribed by S. Thomas Hope. [On the back] "*Apud* Edinburgh, *primo Februarij*, 1634. *Fiat ut petitur.*

3rd February 1634. Supplication by Alexander Aylies in Wester Beltie for a summons against John Finlay in Wester Beltie for assault.

87. Supplication by Alexander Aylies in Wester Beltie, as follows:— John Finlay in Wester Beltie has conceived a deadly hatred against him and seeks all occasions for taking his life. On , as they and some other persons were going in company to Aberdein, when the supplicant having of necessity lingered behind the rest, and the said John, taking advantage thereof, came behind his back and at unawares "first with ane great stone strake me behind the head till he felde me dead to the ground and than drew his sword and gave me manie cruell straikes thairwith, when I wes lying on the ground, upon the head, armes and others parts of my bodie, to the effusioun of my blood and perrell of my lyfe, quhairthrow I lay a long space in the burgh of Aberdein under the cure of chirurgions and danger of my lyfe, to my utter wracke and undoing, being bot ane poore man." He craves summons against the

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said John Finlay. [On the back] "*Apud* Edinburgh, 3 February, 1634. *Fiat ut petitur.*"

88. Supplication by John McAlaster in , as follows:—On 13th January last Thomas Grant of Dalvey, , his servant, Patrick Grant of Culhoiche, Duncan Grant, his brother, and Ferquhar, his servant, armed with swords, dirks, staves and other weapons, came by way of hamesucken to his dwelling house in Callender, broke up the doors thereof, stogged the beds of the house and searched for the supplicant in all the corners thereof to have slain him. When they failed to find him, they put violent hands upon his wife, hurt and wounded her in various parts of her body, "kuist her behind ane kist and left her for dead." They also wounded Duncan , servant to the supplicant, with a dirk upon the head, and reft and took away a hagbut and highland axe belonging to the supplicant. [Cf. *ante*, p. 229]. He craves summons against these persons. [On the back] "*Apud* Edinburgh, 3 February, 1634. *Fiat ut petitur.*"

3rd February 1634. Supplication by John M'Alaster for a summons against Thomas Grant of Dalvey and others for assault.

89. Supplication by Alexander, Lord Forbes of Pitsligo, heritable proprietor of the lands called Auldtoun of Wards, and Robert Forbes of Auldtoun, his tenant thereof, as follows:—On George Gordon of Newton, Patrick Gordon in Glanderston, John Cruikshank in Knokinbaird, and others, armed with "swords, bandit staves, durks" and other weapons, came to the said Robert's house in Auldtoun of Wards, beset it, dang up the doors thereof, and sought for the said Robert to take his life. Missing him, as he was then from home, they cut down with swords his whole growing corn, and pastured and herded a number of cattle thereupon, so that the whole was destroyed and eaten. Further, they continually lie in wait for him so that he dare not go about for fear of his life. They crave summons against these persons. [On the back] "*Apud* Edinburgh, 3 February, 1634. *Fiat ut petitur.*"

3rd February 1634. Supplication by Alexander, Lord Forbes of Pitsligo, for summons against George Gordon of Newton and others for assault.

90. Supplication by Thomas, Earl of Hadintoun, tacksman of the parsonage and vicarage teinds of the parish of Hadintoun, as follows:— In the tax roll of the said parish, made and set down for his relief of the said teinds for the taxation of 1630 appointed to be taken for the Lords of Session, the subtacksmen and possessors of the teinds of the said parish are taxed termly in the sums aftermentioned, but they will make no payment to him hereof for the four terms of the first taxation and the first term of the last now bygone, unless compelled. He accordingly craves that letters of charge may be direct compelling them to pay the sums stated for each of the terms of the taxations above mentioned, and if they fail therein that they be put to the horn and poinded, etc. The sums for which they are liable are as follows:—

3rd February 1634. Supplication by Thomas, Earl of Haddington, against certain persons who refuse to pay their share of the taxes connected with the parsonage and vicarage teinds of the parish of Haddington.

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Lands.	Taxation of 1630.				Lords' Taxation of 1633.			
	Parsonage.		Vicarage.		Parsonage.		Vicarage.	
	£ s. d.		£ s. d.		£ s. d.		£ s. d.	
Sir John Sinclair for Templefeild,	0 9 2¼		0 8 2		0 3 1		0 2 8½	
George Broun of Colstoun,	0 5 10		0 5 7		0 18 7½		0 16 10½	
Sir John Seatoun of Barns,	0 18 1		0 16 1		0 6 0½		0 5 4½	
Sir George Towres of Innerleith for Easter and Mid Garmeltons,	0 31 6		0 28 0		0 10 6		0 9 4	
John Towres of Harperden,	0 4 0		0 3 4		0 1 4		0 1 1½	
John Sinclair of Steinstoun,	0 30 6		0 23 10		0 10 2		0 7 11	
Mr. John Dowgal for Nunlands,	0 8 2		0 7 0		0 2 9		0 2 4	
Patrick Cokburne of Clerkingtoun,	4 4 10		4 15 0		0 28 3½		0 25 0	
George Hepburne of Alderstoun,	0 45 0		0 49 0		0 18 4		0 16 4	
Sir William Baillie of Lamingtoun,	3 15 8		3 7 0		1 5 7½		0 22 4	
The Provost and bailies of Haddingtoun for the teinds of their acres,	0 48 0		0 42 6		0 16 0		0 14 2	
Thomas, Lord Binning, for Samuelstoun,	0 32 10		0 29 0		0 10 11½		0 9 8	
Patrick Inglis for Elvingstoun,	0 39 6		0 33 0		0 13 2		0 11 0	
John, Earl of Lauderdaill, for Lethingtoun,	0 48 0		0 42 4		0 16 0		0 14 1½	
Sir Patrick Murray of Elibanke for Vgstoun,	0 22 2		0 20 2		0 7 6½		0 6 8½	
James Congiltoun for his acres in Hadintoun,	0 6 9		0 6 0		0 2 3		0 2 0	

[On the back] "*Apud* Edinburgh *tertio Februarij* 1634. *Fiat ut petitur.*"

3rd February 1634. Supplication by Alexander Corbat of Arboll and William Corbat of Midgary for summons against Hector Douglas of Muldarg and others for carrying prohibited weapons and invading the supplicant's land.

91. Supplication by Sir Thomas Hope of Craighall, knight, King's Advocate, and Alexander Corbat of Arboll and William Corbat of Midgary, as follows:—In violation of the law prohibiting the wearing of hagbuts and pistols and convocation of the lieges, Hector Dowglas of Muldarg, elder, Hector Dowglas, his son, Hector Androwsone *alias* Dowglas, William Dowglas, smith, Walter Dow, miller, Alexander Beg, Donald M°Robert, George and John Strouthe, Nicolas Ros, Donald Ros, miller, Walter Sutherland, Walter M°Cume, John M°Kene, William Gow, Andrew Bayne, Angus and Walter Denowne, Andrew M°Kay, Hew M°Culloch, Donald Gray, Magnus Bell, Arthur Kinkell, Walter M°Comes, Walter Beg M°Alaster, Donald M°Frikie, John Reache, younger, and Andrew Bell, all servants of the said Hector Douglas of Muldarg, with convocation of the lieges to the number of , armed with swords, staves, bows, darlochs and other weapons, and the forbidden hagbuts and pistols, came on October last, under cloud and silence of night, to the complainers' lands of Easter and Mid Gary, assailed their tenants

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there, and pursued them for their lives with drawn swords, wounding them on the head and elsewhere with effusion of their blood and leaving them for dead. Further, the said Hector Dowglas, younger, accompanied as above, came in like manner to the lands of the said Alexander Corbat of Arboll, and treated his tenants of the lands of Arboll similarly. They crave summons against the persons named. The petition is signed by Sir Thomas Hope. [On the back] "*Apud* Edinburgh, 3 February, 1634. *Fiat ut petitur.*"

92. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and John Grant, apparent of Ballindalloch, as party grieved, as follows: —In contravention of the laws against carrying firearms and inciting to the combat, William Grant of Cardellis, forgetting the many good offices that the said John Grant has done to him and the great trouble and misery he has sustained on his account in the recent heirships and hostility used against him by James Grant and his associates, for which he is most unthankful, and only because the complainer sued him at law for some money he was due to him on 3rd November last, sent the complainer a cartel inviting him to meet him on the following day, being Monday, at Bullmurren on the east side of Phones, "where he sould mainteane with his sword and targe that I have done him wrong; desyring me to come my alone as he sould doe, and that our meiting sould be privie, be halfe houre to eight." Further, because he declined "suche foolishe motiouns, the said Williame resolved treacherouslie at unawars to surprise me and take my lyfe. And for this effect upon the 14 day of Januar last he, accompanied with Thomas Kynnaird, his servant, and Patrick Grant of Culcoiche, boddin with hacquebuts and pistolets filled with lead, derned thamselffes in ane busse of trees at the water side of Spey direct foregainst another part on the other side of the water quhair I ordinarlie use to recreat myselfe upon my awin land," and, as he was going about looking after his ploughs, the said William ("who had beene so liberall in his challenges and offers the while before") and his accomplices, shot their muskets at him, the bullets of which passed close to him and fell among his feet, though by the providence of God he "verie hardlie escaped." And upon the preceding day, being the [thret]eenth of January, the said Patrick Grant of Culcoiche, Duncan Grant, his brother, Ferquhar, his servant, Thomas Grant of Dalvey and servitor to the said Thomas . . . . [but this part is unfinished and scored through]. They crave summons against these persons. The petition is signed by Sir Thomas Hope. [On the back] "*Apud* Edinburgh, 3 February 1634. *Fiat ut petitur.*"

3rd February 1634. Supplication by John Grant of Ballindalloch and others for summons against William Grant of Cardells, whom he accuses of carrying prohibited weapons and of assault.

93. Supplication by Sir John McDougall of Dunolycht, knight, as follows:—Alexander McDougall, fiar of Dunolycht, his unnatural son, has shaken off all fear of God and respect of him, his father, and become

4th February 1634. Supplication by Sir John

M'Dougall of Dunnoly for a summons against Alexander M'Dougall, his son and others, whom he accuses of attempting his life.

so dissolute and insolent as that he is resolved, "if he can find occasioun to commit ane inhumane and unnaturall parricide upon me." To this end on 18th January last, accompanied by Sorle McEwin VcEan *alias* McDougal in Ballimoir, Ewin McAlaster Garve *alias* McDougall, Ewin McDoull VcEwin Roy *alias* McDoull, domestics to the said Alexander, Ewin McEan VcEwin Roy *alias* McDowell in Dwelleis in Gylen, and John Molliche McIlchean in Ballimoir, armed with swords, targes, bows and other weapons, he came by way of hamesucken to the complainer's dwelling-house in Ardintrate in Corvorey early in the morning before they were out of their beds, violently broke up the doors, entered the house and put violent hands upon the complainer before he could get on his clothes, and but for his own better defence and the help of his servants they would have killed him. They afterwards broke up two doors and two locks within the close and masterfully carried away three cows "bound in the stoukes" and disposed thereof at their pleasure. He craves summons against these persons. [On the back] "*Apud* Edinburgh, 4 February, 1634. *Fiat ut petitur.*" Miscellaneous Papers.

4th February 1634. Supplication by Patrick, Archbishop of Glasgow, and others for charges against Donald Neilson and others who refuse to pay their proportion of the taxes of Ferne.

94. Supplication by Patrick, Archbishop of Glasgow, Bishop of Ros, and Abbot of Ferne the time underwritten, as follows:—In the taxt roll of Ferne, which was made and set down in a court held at Tayn on 22nd June, 1631, for the complainer's relief of the taxation granted to his Majesty in July, 1630, the feuars, tacksmen and pensioners of the said Abbey are taxed as undernoted; but he can obtain no payment from them without compulsion. He therefore craves charges against them for payment within 20 days if they be in the country, and 60 days if they be furth therof, under the pane of rebellion, viz.:—Donald Neilson for his lands of Alvene, 28s. 4d.; Kenneth McKenzie for his lands there, 28s. 4d.; David Rosse for Wester Ferne, 42s. 6d.; Alexander Ros for the lands of Mid Ferne, £3 10s. 10d.; Isobel Ros for her land of Easter Ferne, £4 10s.; Donald Ros for his land of Easter Ferne, 28s. 4d.; Walter Ros for his lands of Innercharoun £7 1s. 8d.; the said David Ros for his lands in Westrey Downey, £7 1s. 8d.; Hew Monro for his lands of Rolorye, 14s. 2d.; Alexander and William Corberts for their lands of Easter Ganeyes, £9 18s. 4d.; William Corbert for his lands of Midganey, £4 19s. 2d.; Walter Innes of Innerbreky for Midganey, 47s. 7d.; Margaret Forbes for her lands of Midganeyes, 48s. 7d.; David Ros of Pitcalney for his lands of Wester Ganeyes, £5 6s. 3d.; Alexander Sutherland for Wester Ganeyes, £5 6s. 3d.; Isobel McIntoshe and for the lands of Wester Ganeyes, £5 13s. 4d.; Andrew Denoun for his lands of Meikle Raney, 56s. 8d.; George Ros of Balnamuhw, for the lands thereof, £11 6s. 8d.; John Corbet for Little Raney, £5 6s. 3d.; Thomas Denoun for the lands of Little Raney, 35s. 5d.; Hector Dowglas, for his lands of Muldarg, £8 10s. 4d.; Isobel McIntosh and for their lands of Doun of Ferne, £5 13s. 4d.; Hector Dowglas for his lands of Ballanerach, Maynes of

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Ferne, and mill thereof, £28 6s. 8d.; John Ferguson for his lands of Belbair, 42s. 7d.; Andrew Ros for the lands of Coilboil, Tullich and , £9 18s. 4d.; David Ros and for their lands of Leechliuiche, 14s. 3d.; George Monro for his lands there, 14s. 3d.; Angus M'Cullo for his lands of Badferne, 28s. 4d.; the said David Ros and for salmond fishing in Bonach, 56s. 8d.; Mr Archibald Moncrief for his pension, £7 1s. 8d.; and Mr Roger Mowat for his pension, 19s. 5¾d.; and that for each of the four terms of the said taxation. [On the back] "*Apud* Edinburgh, 4th February, 1634. *Fiat ut petitur.*"

4th February 1634. Similar supplication by Alexander, Earl of Eglinton.

95. Supplication by Alexander, Earl of Eglinton, Lord of Kilwinning, as follows:—In the taxed roll of the lordship of Kilwinning, set down for his relief of the taxation granted to the Lords of Session in June last, the feuars and tacksmen thereof are taxed termly in the sums underwritten, but they refuse to pay the first term thereof unless they are compelled. He therefore craves letters against them to compel them to do so, and if they disobey to put them to the horn. They are as follows:—Hew Nevin for his portion of Achinmaid, with the teinds, 1s. 10d., and for his land of Darnbog, 6s. 7d. 3p.[1]; James Quhyt for a portion thereof, 1s. 10d.; Andrew Gemmill for his portion thereof, 1s. 10d.; James Mure for his lands of Uttermure, 7s. 2d.; John Mur for his portion of Uttermure, 7s. 2d.; William Mur for his rent of Uttermure, 7s. 2d.; William Rid for his rent of Uttermure, 7s. 2d.; Robert Fergushill of that Ilk for Nethir Achintibber, 52s. 2d., and for Midle Achintiber, beside the teind, £3 4s. 3d.; William Hamiltoun for his land of Utterwood, 30s. 2d. 2f.; John Deine for Over Achintibber, 10s.; Hew Montgomerie for his rent of Over Achintibber, 10s.; Andrew and Robert Mures for their portions of Over Achintibber, 10s.; David Cunyngham for his land of Cowbleyth and Garmulle, beside the teind, £3 8s. 1d.; John Montgomerie for his seven acres, 41s. 8d. 3p., and for his land in Byres, 9s. 8d.; Thomas Nevin for his land of Monkridding, Guisland, Gaitmurland, Bannocht, and land of Corshill, £3 17s. 0d. 3p.; Katherine Huntar for the Nether Maynes of Kilwinning, 9s. 3d.; Jonet Cowper for her land in Nether Maynes, 21s. 7d. 3p.; Mr Gawine Hamiltoun for his land of Ardoch, Cassiltoun, Woodsyd and lands about Kilwinning, £4 12s.; John Esdaill for his rent of Meirsyde, 9s. 10d. 3p.; Margaret Esdaill for her rent in Esdaill, 15s. 7d. 3 p[t]f.; Hew Smith for Ridstoun and Brigend, 6s. 8d. 3p. 1f.; and for his fewit lands, 1s. 5½d.; John Boyman for his rent of Easter Brigend, 1s. 6d. 3p.; Bessie Lym for her land of Ridstoun, 1s. 9d.; James Dunlop for his land of Goosland 9s. 9d.; John Park for his rent of Dubs, Dalga and Corshill, 32s. 4d.; John Kid for his part of the Nether Maynes, 1s. 10d.; Jonet Frow for her land of Neddermaynes, 3s. 10d.; John Yong of Todholls for his rent thereof, 4s. 9d.; Archibald Bar for his land in Byreflat, 1s. 3d. 3p.; Mathow Bar for his land of Kilwinning, 1s. 2½d.; and for his land in Ashinyeards 2s. 4d.; John Hervie for his rent of Braidlie, 25s. 3d.; Barbara

[1] p.=parts of a penny; f.=farthings.

Montgomerie for her land in Milgarholme, 2s. 5d.; Steven Whyt for his rent thereof, 9s. 2d. 3p.; James Scot for his rent thereof, 9s. 2d. 3p.; Christian Wallace for her rent of Monkland, £3 14s. 7d.; Alexander Hammiltoun for his lands of Grange and Kilronok, £5 9s. 6d.; William Hammiltoun for his lands of Bonmur and Maynes Hamiltoun, 50s. 6d. 2p.; Hew Ker for his lands of Foulwoodhead, Bogsyde, Bythishill, and Hinds yeard, 26s. 8d.; Bryce Blair for his land of Gartholme and Walkmylne, £3 1s. 7d.; James Blair for his land of Colcraig, 9s. 8d.; Barbara Jamesoun for her land of Morishill, Maynshill, Bracanhill, £3 5s. 4d.; Robert Montgomerie, younger, for his land of Smythstoun, 30s. 9d.; Hew Montgomerie for his land of Wodsyd and Hirst Montgomerie, 27s. 1d.; Gawn Blair for Eister Kirkland, Straney, and Wodend, 57s. 7d.; James, Earl of Abercorn, for his rent of Moncastell, £9 5s. 6d.; James Dunlop for his land of Smythstoun Dunlop, 7s. 1d. 3p.; John Quhyt for his land of Byrhill and Smythstoun, 8s. 10d. 3p^{t}f.; Thomas Robison for Smythstoun Wat, 1s. 10d. 3p.; Alexander Whyt for his land in Byrehill, 7s. 9d. 3p.; John Crawfurd for his land there, 7s. 9d. 3p.; Adam Fairlie of Bog for his land thereof, 10s. 5d.; Mr John Thomson for his land in Ashinyeards, Hoill, and Corshill, 9s. 4d. 3p^{t}f.; Margaret Yong for her land there and Whyt Hirst Russell, 13s. 1d.; Jonet Geillis for Cranberrimes, 9s. 9d.; Hew Patrick for Thornydyk, Lauchlastland, Hamilstoun, and Thristieland, 9s. 8d.; James Patrik for his land and houses of Byres, 4s. 8d. 3p. 2 f.; Hew Montogomerie for Longfurd, Curthland and Brigend, 13s.; William Moreis for his land of Longfurd and Corshill, 18s. 10d.; John Richie for Richiestoun, 6s.; Mr John Garven for Dalga and Nether Maynes, 4s. 2d.; John Mitchell for his fewit land, 2s. 4d.; Bessie Blair for her land in Pethfutt, 3s. 11d.; Thomas Watt for his land of Muscolloch, 5s. 5d.; Hew Bankheid for his land in Peth, 10s. 10d.; Hew Templtoun for his land in Corshill, 7s. 9d.; Alexander Galt for his land there, 1s. 11d.; Robert McClure for his rent there, 5s. 10d.; Mr Robert Peblees for his land there and Easter Brigend, 10s. 9d.; Margaret Cauldwell for her land there, 7s. 2d.; James Salmond for his land in Easter Brigend, 2s. 10d.; John Moreis for his land of Corshill, 3s. 11d.; Barbara Hammiltoun for his [*sic*] land in Bogsyd, 31s. 7d.; Gabriell Poterfeild for his lang of Kirkfeild, 54s. 10d.; John Peblees for his land of Morishill and Pedderland, 22s. 3d.; William Ralstoun for Wodsyd and Barnland, £4 7s. 7d.; Mr William Cuningham for his rent of Overhill of Beyth, Bogsyd, and Foulwoodheid, 24s. 6d.; Patrick Connell for Granghill, 20s. 4d.; John Mershell for his land of Maynes Mershell, 11s. 3½d.; Hew, Viscount of Airdes, for his rent of Mershelland, Boghall, Nether Byth, Bigholme, Bogsyde, and Foulwoodheid, £4 12s. 7d. 3p.; Robert, Lord Boyd, for Barcraiges, 7s. 3d.; Robert Montgomerie for his land of Willieyeard, 16s. 10¼d.; Robert Maxwell for his land of Lyandcroce, 54s. 10d. 2p.; James Hamiltoun for his land of Thripwood,

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47s. 1½d.; Robert Cuningham for Quhythirst, 7s. 0d. 3p.; Robert Galt for Wodsyd, Hodinglaw, and Quhythirst, 9s. 7d.; John Weir for his land of Corshill, 1s. 3d.; James Cuninghame for his lands of Ashinyeards, 20s. 1½d.; James Blair for Smyresbank, 2s. 5d.; Alexander Cuninghame for Hidderhill, Corshill, Smythstoun, Inward, Newpark, and other lands, £8 5s. 5d; James Blair for his land in Kilwinning, 1s. 10½d.; Jean Blair for her land there, 1s. 10½d.; John Crawfurd for Kirkland and Kilbyd, 22s. 8d.; Robert Barclay for Pearsoun, 4s. 10d.; John Montgomerie for Kirkland Stewarton, 40s. 3d.; Georg Campbell for the Kirkland of Loudon, 4s. 9d.; James Campbell, wrytter, for the Kirkland of Stevinstoun, 2s. 11d. 3p.; Sir William Myne, elder, for his pension, 8s. 0d. 3p. 1 f.; Sir David Cunyngham for Kilbirnie, 43s. 6¼d.; Robert, Lord Boyd, for Law, Arneill, Boyd, Hamilstoun and Campbeltoun, £3 6s.; James, Lord Ros, for his teind of Tarbert, 19s. 1½d.; Robert Blair for the teind of Lochwood, 27s.; James Cuninghame for his teind of Caddell, Nether Uttingtoun, 16s. 5d.; Robert Fergushill for Fergushill, Nether and Mydle Auchintibbers, 23s. 5d.; David Cuninghame for his teind of Cowbleith, 7s. 8d.; Alexander Cuninghame for his teind of Pottertoun and Dowray, 15s. 0d. 3p. 1 f.; Thomas Niving of Monkridding for his teind there, Goosland, Bannocht, Gaitmureland, and Corshill, 18s. 9d.; Mr Gawn Hamiltoun for teind of Ardoch, Cassiltoun, and Woodsyde, 15s.; James Cuninghame for his teind of Ashinyeards, 4s. 3d. 3p.; Bryce Blair, elder, for the teind of Grotholme and Monkcastell, 52s. 5¼d.; Bryce Blair, younger, for teind of Longfurd, Neddermaynes, Pethfutt, 4s. 11d.; Hew Montgomerie for teind of Over Smythstoun and Whythirst Montgomerie, 10s. 7d.; Alexander Cuninghame for his teind of Blaksyd and Montgrenane, 22s. 10d.; Neill Montgomerie for his teind of Langshaw, 21s. 2d.; James Dunlop for teind of Dunlop, 42s. 5d.; James Cuninghame for his teinds of Aiket, Auldhall and Bordland, 21s. 2d.; David Blair for teind of Peastoun, Holhous, Rodinghall, Overtoun, 28s. 3d.; Robert Barclay for teind of Pearstoun Barclay, Drumvie and Brydsheuk, 16s. 9d.; Sir William Cuninghame for teind of Cuninghamheid, Midletoun, Drumvie and Caprinstoun, 11s. 10d.; Sir Robert Montgomeri for teind of Oversheuche, 9s. 3d.; Robert Montgomerie for teind of Hessilheid, 14s. 9d. 3p. 1 f.; Robert More for his land of Ramisheid, Bigert, and Heichgait, 13s. 9d.; Mr Gawin Hamiltoun for teind of Rigbank and Crunnok, 7s. 2d.; Robert Ker for the teind of Overtoun, 22s. 2½d.; Bryce Blair for teind of Maynesniving and Rodgersmailling, (?) 4s. 8d. 8 p. 3 p^{t}f.; Ralstoun and William Mure for teind of Wodsyd and Turnerland, 9s. 6d.; John Crawfurd for teind of Kilbirnie, 36s. 2d.; Sir David Cuninghame for teind of Glengarvok, 22s. 2d.; John, Lord Lowdon, for the kirk of Lowdon, £8 1s. 1d.; Robert, Lord Boyd, for the teind of the kirk of Kilmarronock, £20 17s. 10d. 2p.; William, Earl of Glencarne, for teind of kirk of Dreghorne, £5 2s. 5d.; Cuningham for the

parsonage teind of the kirk of Stevinstoun, 27s. 9d. 3p.; Alexander Cuninghame for the teind of Corshill, 44s. 11d. 8p. 2f.; Sir David Cuningham for the teind of Robertlands, 43s. 8d.; Alexander Arnot for the teinds of Lochrig, 8s. 10d.; Sir Thomas Boyd for his teinds of Ballanshaw and Lindsey, 13s. 3d.; David Cuninghame for the teind of Achinhervie, 19s. 10d. 3p^{t}f.; Neill Montgomerie for his teinds of Kilbyd and Mylnstanflat, £3 10d.; Adam Montgomerie for the teind of McBichill, 5s.; John Montgomerie for his teind of Kokillie, 3s. 1d.; William Dunlop for his teind of Blook, 31s. 2d.; Alexander Cuningham for his teind of Montgreenan, 12s. 4d.; Mathow Hislot for his teind of Kirkwod, 6s. 8d.; Bryce Blair for the kirk of Dalry, £9 18s. 4d.; An. Bishop of Argyle, for the teind of Kilmichacharmik, £18 2s. 6d.; to be paid within 20 and 60 days for persons in and out of the country respectively. Miscellaneous Papers.

5th February 1634. Supplication by Margaret Leslie, widow of James Leslie against the Laird of Pitcaple.

96. Supplication by Margaret Leslie, widow of James Leslie, *alias* Robsone, sometime servant to the Laird of Meldrum, as follows.—Yesterday, the 4th instant, their Lordships ordained the Laird of Pitcaple, who was personally present, to pay to her £40 for her expenses in coming hither to attend the procognition raised against her and her children by Mr William Hay of Badinspeck and Alexander Gairne of Blackfuird, as to the manner of the slaughter of her said deceased husband, but he refuses to pay unless compelled to do so. She craves letters against him for this effect. [On the back] "*Apud* Edinburgh, 5 February, 1634. *Fiat ut petitur.*"

5th February 1634. Supplication by Mr. Alexander Kinnear anent William Lindsay of Birchwod who has threatened the supplicant's life.

97. Supplication by Mr Alexander Kinneir, son of the deceased James Kinnear of , W.S., as follows:—William Lindsey of Birchuod, having a causeless hatred against him, has resolved to take his life, or do him some affront and disgrace. This he has avowed not only to the complainer, but boasts and threatens it in all public meetings and societies to which he resorts. The supplicant cannot therefore go about in safety, and therefore craves that officers of arms be directed to take his oath that he dreads bodily harm at the hands of the said William, and that he be charged to find caution for his safety. [On the back] "*Apud* Edinburgh 5 February, 1634. *Fiat ut petitur*, under the pane of . . "

5th February 1634. Supplication by Sir George Ogilvie of Banff anent the teinds of the kirk of Genrie.

98. Supplication by Sir George Ogilvie of Bamff, tacksman of the teinds of the parishes of Gemrie and Avach, as follows:—He is charged to make payment of £40 for the teinds of the kirk of Gemrie and £68 for those of the kirk of Avach and lands of Inneruthnie to the collectors of the taxations granted to his Majesty in August 1621, October 1625, and July 1630; and also of 20 merks for the teinds of the said kirk of Gemrie, and £22 13s. 4d. for those of the said kirk of Avach to the

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collectors of the taxation granted to the Lords of Session. He has neglected on some necessary occasions to set down a formal taxed roll for his relief at the hands of the sub-tacksmen and possessors of the said teinds, and they now refuse to meet for this purpose unless they are compelled. He craves letters charging them to do so, viz., those of the kirk of Gemrie at that kirk on , and those of the kirk of Avach at that kirk upon . [On the back] "*Apud* Edinburgh 5 February, 1634. *Fiat ut petitur.*"

5th February 1634. Supplication by Sir Ludovick Houston of that Ilk for summons against Robert Widdrow and others whom he accuses of threatening his life and property.

99. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Sir Ludovick Howstoun of that Ilk, as follows:—Though the carrying of hagbuts and pistols is strictly forbidden by law, yet Robert Widdrow, sometime miller at the Mill of Howstoun, who is at the horn at the instance of the said Sir Ludovick for non-payment of his rent for the years 1631, 1632, and 1633, and against whom he has now raised letters of caption, has armed himself with the said weapons in order to defeat the execution of the law, and he has carried them daily since the month of , as he yet does, "boasting openlie that if I come to take him he sall have the fattest in my companie, and that he sould trouble and fashe me als long as he could, and when he could doe no more he sould burne his houses, barns, kill and mylne of Howstoun," out of which he was lawfully ejected by decree of the Lords of Session. Further, on 3d February instant, he and his brother-in-law , came to the said mill, armed with swords, hagbuts and pistols, and breaking up the doors thereof, scattered the supplicant's malt there, and carried off certain gear. He craves summons against these persons. The supplication is subscribed by Sir Thomas Hope. [On the back] "*Apud* Edinburgh, 5 February, 1634. *Fiat ut petitur.*"

6th February 1634. Supplication by James Liddell, late master of his Majesty's pasture, for continuance of his protection.

100. Supplication by James Liddell, late master of his Majesty's pasture, as follows:—Their Lordships granted to him their protection for attending his Majesty's service at his late being in Scotland, and thereafter, in recognition of his services, renewed the same till 17th February instant, because he had not received payment of his fees; and, the same necessity still continuing, he craves a prorogation of his protection. [On the back] "*Apud* Edinburgh, 6th February, 1634. *Fiat ut petitur* for the space of eight dayes before the dyet to be appointed for the compeirance of the creditors and eight dayes after the same. (Signed) GLASGOW, WINTOUN, ANNANDAILL, LORNE."

7th February 1634. Supplication by Alexander Innes of Coitts, patron of the kirk of Kinedar, for letters

101. Supplication by Alexander Innes of Coits, patron of the kirk of Kynedder, as follows:—In the taxed roll of the parish of Kynedder, set down for his relief of the taxation granted to the Lords of Session in June, 1633, the feuars and tacksmen of the said parish are taxed termly in the amounts after specified, viz.;—James, Earl of Murray, for the

against the Earl of Moray and others who refuse to pay their taxation in connection with the said parish.

teinds of Kynnedder and Aikinhead, £10; Sir Robert Innes for the teind sheaves of Stayn and Ridhoill, 22s. 3½d.; Walter Innes of Ballornie for the teinds of Ballornie, £4 8s. 11d.; Robert Innes of Drany for his teinds of Meikle and Little Dranyes, Murtoun, Ardwet and his other lands, and vicarage teinds of the said parish, £10; Sir John Grant of Frewchie for the teinds of Forgie and Aulshauch, 8s. 4d.; Thomas Innes for the teinds of Otis, 27s. 10d.; Robert Leslie of Finrasie for the teinds of Finrasie, 27s. 10d.; and Alexander Gordoun for the teinds of Dippell, 11s. 1d.; but these persons will not pay unless they are compelled. He therefore craves letters against them to this end under pain of horning. [On the back] "*Apud* Edinburgh, 7th February, 1634. *Fiat ut petitur.*"

8th February 1634. Supplication by William Nairn for summons against David Cairns, lately his servant, whom he accuses of assault and invasion of his property.

102. Supplication by William Narne of , as follows:—His former servant, David Carnes, unmindful of the many good deeds the supplicant has done to him, has not only frequently threatened the country people who come to his coal heuchs to buy coals, but also upon 30th January last came to the supplicant's coal hill where some of the country people had filled their sacks with his coal, and "with manie execrable oathes swore that he sould cutt thair seckes, cast doun thair loads and beate themselffes, and for that effect went home to his hous neere by and brought furth ane Jedburgh staffe and come to my heuche hill therewith, and without respect to me, sometyme his master, he strake out sindrie straiks at me with the said stalffe, and had not failed to have slaine me therewith, if some people in the heuche had not rescued me; quhilk is ane disgracefull attempt to suche ane unworthie fellow to committ upon ane gentleman of qualitie, sometyme his maister." He craves summons against him. [On the back] "*Apud* Edinburgh, 8th February, 1634. *Fiat ut petitur.*"

11th February 1634. Supplication by Janet Douglas, sometime servitrix to the late Lady Abercorn, for letters of horning against Adam Turnbull, sometime servant to the Marquis of Douglas.

103. Supplication by Janet Dowglas, sometime servitrix to the late Lady of Abircorne, as follows:—Adam Trumbill, sometime servant to the Marquis of Dowglas, was cited before the High Commission of the Kirk for contracting an unlawful marriage with Margaret Liddell, whom he conveyed to Ingland for this effect, and for slandering Mr Alexander Hamiltoun, "ane famous and actuall minister at Lochwhinzoche" in the presbytery of Paisley, but fearing the event of his trial he failed to appear, and the Lords and others of the High Commission have ordained him to be put to the horn. She craves letters for having him put to the horn. [On the back] "*Apud* Edinburgh, *undecimo Februarij*, 1634. *Fiat ut petitur.* GEO: CANCELL^{R}., I.P.D."

11th February 1634. Supplication by Mr. Patrick Forrest of Archerfield.

104. Supplication by Mr Patrick Forrest of Archerfeild, advocate and procurator fiscal for the Kirk, as follows:—Robert Rind, younger, in the Raws of Strabogie, having been cited before the High Commission of the Kirk for "his contemptuous and scandalous forme of living, for refuseing

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to communicat and to repair to the kirk, and for resett of messe preists, and for most undewtifull, unreverent and treasonable speeches aganis his Majestie," compeared not, and the Lords and others of the High Commission by their decreet of 5th February instant found "that the said Robert is a rebellious and arrogant person, ane contemner and vilipender of the ministries and disciplin of the Kirk, and ane impudent lyar upon his Majestie," and ordained him to be denounced rebel, recommending the Lords of Privy Council to grant letters to that effect. These therefore the supplicant craves. [On the back] "*Apud* Edinburgh, *undecimo Februarij*, 1634. *Fiat ut petitur.* GEO: CANCELL^{R}., I.P.D." procurator-fiscal for the kirk, for letters of horning against Robert Rhind, younger, in the Raws of Strathbogie, who has scandalously defied the censures of the Kirk.

105. Supplication by Neill, Bishop of the Yles, as follows:—He is charged to make payment to the Lords of Session of his part of their taxation due for the bishopric of the Isles, the abbacy of Icolmekill, the nunnery of Icolmekill, and the priories of Ardchattan and Oronsey united to the said bishopric, but their Lordships know that he could not attend the diet for making a taxt roll with the feuars, tacksmen and pensioners of the said bishopric, as he was not then provided thereto. The places appointed for the meetings for this purpose are very remote, and some of them are out of the diocese, and the most commodious place both for himself and the lieges is the town of Icolmekill. He therefore craves that their Lordships would appoint Icolmekill to be the meeting place in all future time for setting down of taxed rolls, and that letters may be granted to him for convening by charge all the feuars, tacksmen and pensioners of the bishopric there upon for making of the foresaid taxed roll. [On the back] "*Apud* Edinburgh, *undecimo Februarij*, 1634. *Fiat ut petitur* for a new dyet to conveene and sett doun the stent roll. GEO. CANCELL^{R}., I.P.D." 11th February 1634. Supplication by Neill, Bishop of the Isles, anent the taxation due for the bishopric of the Isles.

106. Supplication by Elizabeth Bathcat, spouse of Archibald Pea, maltman in Eymouth, as follows:—Their Lordships assigned to Mr John Home, minister at Eymouth, the 11th instant for prosecuting her before his Majesty's Justice on a charge of witchcraft, for which after being kept a long time prisoner in the tolbooth of Dunce, and afterwards by their Lordships' warrant brought thence and kept in the tolbooth of Edinburgh, she was this day presented "upon pannell" and willingly offered herself for trial. She is most innocent of the said crime, and objected to the postponement of her trial, but, upon a statement by his Majesty's Advocate that her prosecutors and the assizers who were to sit upon her trial could not travel in "this tempestuous tyme," the Justice continued her trial till 11th March next. In all likelihood the weather will not be "so gentle and seasonable this moneth heerafter as it hes beene this while bygane;" but her persecutors purpose only by this procrastination and her long imprisonment to wreck the small estate of herself and her husband. She has always been reputed "ane honest 11th February 1634. Supplication by Elizabeth Bathgate, spouse of Archibald Pea, maltman, in Eyemouth, anent an accusation of witchcraft under which she lies.

woman," and, as her heartiest desire is to be cleared of this foul charge, she will never decline the strictest trial the laws will permit. Her husband has been at exorbitant charges this while past for her maintenance and "chamber maill," and is not longer able to undergo these, and it is not equitable that she should be kept in prison to please her party and he not made to pay the expense thereof seeing she has never refused obedience to any citation. She therefore craves that she be relieved from her warding in the tolbooth and confined within the burgh of Edinburgh till the day of her trial, for her abiding whereat she is willing to find caution. [On the back] "*Apud* Edinburgh, *undecimo Februarij*, 1634 Ordaine the pairtyis to be wairnit. GEO. CANCELL^{R}., I.P.D." Miscellaneous Papers.

11th February 1634. Supplication by the Magistrates of Stranraer anent its erection into a royal burgh.

107. Supplication by the provost, bailies, council and community of the burgh of Stranrawer, as follows:—The late King, his Majesty's father, for good considerations affecting the credit and welfare of the kingdom, and especially for promoting commerce and trade with Ireland, erected their burgh with its haven and harbour into a free burgh royal, and they petitioned his Majesty and the Estates in the late Parliament for a ratification thereof. This was opposed by the magistrates of the burgh of Wigtoun and their commissioners, and, there being no time to deal with the matter owing to more weighty and urgent business, his Majesty and the Estates recommended the petition and counter petition from Wigtoun to the consideration of their Lordships, agreeing that their decision in the matter should have the strength and force of an act of Parliament. They therefore crave that the provost and bailies of Wigtoun may be cited to hear and see their ratification passed and exped and the extract of their Lordships' decreet given to the Clerk Register to be inserted in the Books of Parliament. [On the back] "*Apud* Edinburgh, *undecimo Februarij*, 1634. *Fiat ut petitur.* GEO. CANCELL^{R}., I.P.D."

11th February 1634. Supplication by James, Marquis of Hamilton, Collector-General of the Taxations lately granted to his Majesty, for summons against David Beatsoun and others, whom he accuses of fraudulently seeking to deprive his Majesty of part of his taxation.

108. Supplication by James, Marquis of Hamilton, Collector General of the Taxations granted to his Majesty in June last, and Sir Thomas Hope of Craighall, King's Advocate, and George Thomesoun, W.S., their informer, as follows:—In the Parliament held at Edinburgh in June last it was ordained that notwithstanding of any Act of Parliament formerly made allowing interest of £10 to be taken for each £100, no person should after the date of the said Act take more than £8 per £100, whereupon in gratitude for the benefit hereby conferred upon the whole lieges, the Estates made a voluntary offer to his Majesty for the next three years of the £2 per cent. thus saved to borrowers; it being provided that those who formerly borrowed money for 8 per cent. should be free of this payment, but that those who should now borrow money at this rate should pay the other 2 per cent. for the said three years. His Majesty,

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understanding that many persons had endeavoured to evade this statute and defraud the revenue, directed his missive to their Lordships recommending to them that when any persons shall be cited before them for this offence they proceed with expedition to their trial by examining of the notaries and witnesses who may be thought accessory to their proceedings, and punish such as they find guilty in an exemplary way. Now, since the date of the said Act of Parliament the said George Thomesoun made a bond for £1000 to David Beatsoun of Cardon in August, 1633, to be paid at Martinmas, 1633, containing interest at 8 per cent., but the said David, to evade the said Act, antedated his bond as having been made in May or June of that year. The witnesses to this bond were Mr David Kinghorne, clerk of Dysert, John Low, his servant, and George Thomsoun, son of the foresaid George. Again, the said David Beatsoun, having borrowed 3000 merks from John Tennent in Kirkaldie at 8 per cent. after the date of the said Act, antedated it also, and it is subscribed by Robert Frenche in Kirkaldie and Thomas Adame as notaries. Further, he borrowed since the date of the said Act 2000 merks at 8 per cent. from Robert Challen in Grangemyre and James Dewar his "good sone" and antedated the bond he granted therefor, to which Walter Duncan, clerk of Kinghorn, is notary or witness. Moreover, the said David Beatsone, being debtor to James Tod of Powguild in 2000 merks, for which he has paid him interest at 10 per cent. for the past ten or twelve years, has since the date of the said Act renewed the bond for this sum at 8 per cent. and antedated it, as if it had been made before the said Act; and to this bond the said Walter Duncan is notary or witness. They therefore crave that the persons above-named, viz., David Beatsoun, John Tennent, Robert Challen, James Dewar and James Tod, may be summoned and charged to produce the said bonds, and underlie such punishment as their crime may deserve. Signed by Sir Thomas Hope. [On the back] "*Apud* Edinburgh, *undecimo Februarij*, 1634. *Fiat ut petitur.*"

109. Supplication by John Fleeming, custumar-depute at Bruntilland, as follows:—On the 11th instant he was discharging his duty of "customing" some goods in a ship of Kirkaldie, called the *Joseph*, belonging to Matthew Andersoun there, when he found a hundredweight of tobacco uncustomed and entered as belonging to Mr William Cobo, merchant of Dundie, which the supplicant seized to be forthcoming to his Majesty's use, whereupon the said Mr William and some others came to him, put violent hands upon him, "disgracefullie strake me with thair falded neiffes, violentlie reft the tobacco from the workemen who wer carying the same." He craves summons against them. [On the back] "*Apud* Edinburgh, 13 February, 1634. *Fiat ut petitur.*"

13th February 1634. Supplication by John Fleming, custumar-depute at Burntisland, for summons against Mr. William Cobo and others for assaulting him while in the discharge of his duty.

110. Supplication by Alexander McClune, sometime in Barvennack, 13th February 1634.

Supplication by Alexander M'Clune and Andrew M'Lumquha, for the apprehension of Patrick Agnew and others who remain defiantly at the horn.

now in Carisdouche, and Andrew M°Lumquha in Dowis, as follows:— On 31st January last, Patrick Agnew in Barmaill, John M°Cathie there, Fergus Lilburne in Meikle Berintrie and John M°Carnik in Mowne, were put to the horn at their instance for not entering to ward within the tolbooth of Edinburgh until order should be taken with them for some insolence committed by them upon the supplicants. They take no notice hereof and the supplicants therefore crave that charges may be issued against all sheriffs, stewards, bailies of regalities, magistrates of burghs, and all other judges and officers for their apprehension. [On the back] "*Apud* Edinburgh, 13 February, 1634. *Fiat ut petitur* becaus the Lords hes seen the letters of horning within writtin dewlie execute, indorsat and registrat."

13th February 1634. Supplication by James Naismith, merchant burgess of Edinburgh, assignee of Dame Marie Stewart, Countess of Atholl, for letters of treason against the Earl of Atholl.

111. Supplication by James Naismith, merchant burgess of Edinburgh, assignee of Dame Marie Stewart, Countess of Atholl, and Captain Peter Rollock, now her spouse, in the matter underwritten, as follows:— On 31st August last, John, Earl of Atholl, was put to the horn at the supplicant's instance for non-payment of £1000, with £100 of expenses and 500 merks payable at Whitsunday last, but he goes about regardless thereof. His contempt is all the more intolerable because of the ground of the horning. The said Dame Marie Stewart was provided in jointure to the lands and barony of Ridcastell extending to about sixty-six chalders of victual, and, being in great heaviness and sorrow for the death of her husband, and a "simple noblewoman ignorant of the lawes," she was immediately thereafter circumvened by the said Earl and his uncles to submit all differences between the said Earl and her to the arbitration of his friends. They, against the duty of honourable arbiters, decerned that she should only have 500 merks of liferent yearly, but this after long process before the Lords of Session she reduced, and they ordained that she should receive £1000 of expenses and 1200 merks yearly. Of this, however, she has never received any payment, and it is for this that the Earl has passed to the horn, "leaving the noblewoman, who is his mother sister, in great distresse and miserie." He craves that letters of treason be issued against the Earl for entering himself in ward within the castle of Blacknes, and rendering his houses. [On the back] "*Apud* Edinburgh, *decimo tertio Febraarij*, 1634. *Fiat ut petitur*. MORTON, I.P.D."

14th February 1634. Supplication by Janet Watson for summons against William Keir, servitor to the Laird of Whitehill, and

112. Supplication by Janet Watsoun in , as follows:— On 6th February instant she was doing her business in the burgh of the Cannogait when William Kein, servitor to the Laird of Quhythill, "craftilie entysed me to goe to the place of Quhythill, and my young infant in my arme," and presented her before the Laird alleging that she was in debt to him. Thereupon both conveyed her to Mussilburgh and without decree, sentence or any lawful warrant, committed her and her

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infant to ward there within the tolbooth, where they presently remain in great misery. She craves summons against these persons and a charge to the bailies of Mussilburgh to exhibit her before their lordships for her liberation. [On the back] "*Apud* Edinburgh, 14 February, 1634. *Fiat ut petitur* with the ordinar provisioun." others for illegal imprisonment.

113. Supplication by Archibald Torrie of Bervick, messenger, as follows:—Upon 13th February instant their Lordships granted decreet against Thomas and Robert Dumbar, sons of John Dumbar of Moynes, ordaining them to pay to him 500 merks as a fine for the insolence committed by them upon him; but this they refuse to pay unless compelled. He therefore craves letters to charge them to do so upon pain of horning. [On the back] "*Apud* Edinburgh, 14 February 1634. *Fiat ut petitur.*" 14th February 1634. Supplication by Archibald Torrie, messenger, for letters against Thomas and Robert Dunbar, sons of John Dunbar of Moynes.

114. Supplication by George and David Rollok in Leidnocht and Christian Donaldsoun, spouse of the said David, as follows:—Patrick Gray, portioner of Leidnocht, Janet Blair, his spouse, William Gray, his eldest son, and Patrick Syme, his sister's son, with the concurrence of Patrick Young, John Donaldsoun, and Patrick Wilsoun, his tenants in Leidnocht, and William Watsoun, his servant, have most cruelly and with great violence oppressed the supplicants. Particularly on 8th September last the said Janet Blair, William Gray, her son, and Patrick Syme, in the "silence of night came and maist cruellie cuttit the coit of myne the said Davids dochter, being ane bearne of nyne yeir auld, and, the said Cristane Donaldsoun, hir mother, cumming to releiff hir said bearne, the said Patrik Syme tuik hir about the vyist quhill the said Williame Gray brake ane grit staff upone the smal of hir bake, sua that the said Cristane hes ever bene sensyne in perrill of hir lyiffe and hes partit with quyick bearne and the bearne murdereist in hir woomb. And immediatlie thereafter the said Janet Blair with the said tennentis came and stonit me, the said George Rollok, with stonis, I being ane auld man of fourscoir yeiris, and fleing unto my house, dang upp my duire, calling me fals commoun theiff, scho suld haiff my lyiff, quhilk scho wald haif teane war nor God maid the peapill of the toun to convene about the hous." That same night, when he afterwards went out to look at his corn, "quhilk was ewil eattin with thair gryise and bestiall, the said Patrik came upone me on horsebake and pressit to ryde over me and strak me with ane staff on my craigg and schuldoris." Further, on 23d September the said Patrick lay in wait for David Rollok's life while he was going with a hook to shear his corn, "brak ane grit staffe tua severall tyme upone my schulderis and armes, and thairefter intendit with the concurrance of William Watsoun, his servand, to cast me ouer the heucht of Bachie Burne in Deiris Weill in Almound," so that they cannot labour their lands nor go peacefully about their affairs for the 14th February 1634. Supplication by George and David Rollock in Leidnocch and Christian Donaldson, spouse of the said David, for summons against Patrick Gray, portioner of Leidnoch, &c., for assault.

malice of the said Patrick and his wife and tenants. [The remainder of the supplication is torn away. On the back] "*Apud* Edinburgh, *decimo quarto Februarij*, 1634. The Lords ordains the parteis compleanit upon to be charged to compeir before the Counsell to answer under the pane of rebellioun, with certificatioun." Miscellaneous Papers.

15th February 1634. Supplication by Andrew, Bishop of Argyle, anent the taxation of his bishopric.

115. Supplication by Andrew, Bishop of Argyle, as follows:—He has been charged to make payment to the collectors of the taxations of August 1621, October 1625, July 1630, and that granted to the Lords of Session, of what is due from the bishopric of Argyle, but there has no taxed roll been made for the diocese in respect that other important affairs with which he was burdened prevented this being done. He craves letters against the feuars, tacksmen and pensioners of the bishopric to charge them to appear at the burgh of Innerara on and join with him in making the said roll. [On the back] "*Apud* Edinburgh, 15 February, 1634. *Fiat ut petitur.*"

17th February 1634. Royal letter anent the duty on exported coal.

116. Original of royal letter as to the duty upon exported coal, printed *ante*, p. 217; dated at Whitehall, 17th February, 1634, and addressed on the back to the Earl of Kinnoul, Chancellor of Scotland and remanent Earls and others of the Privy Council of Scotland.

18th February 1634. Supplication by James Tennant, servitor to William Murray of Natoun, for letters against Mr. John Keith, servitor to Mr. Thomas Nicolson, younger, advocate.

117. Supplication by James Tennent, servitor to William Murray of Natoun, as follows:—On 13th February he obtained decree before their Lordships against Mr John Keith, servitor to Mr Thomas Nicolsoun, younger, advocate, ordaining him to pay to the supplicant £30 for hurting and wounding him with a whinger in the arm when his Majesty was lately in Edinburgh, but this he refuses to pay. He craves letters to compel him to do so. [On the back] "*Apud* Edinburgh, 18 February, 1634. *Fiat ut petitur.*"

18th February 1634. Bailies of Dysart and James Thomson.

118. Supplication by the bailies of Dysart against James Thomson, as narrated *ante*, p. 365. They crave a summons against him. [On the back] "*Apud* Edinburgh, 18th February, 1634. *Fiat ut petitur.*"

18th February 1634. Supplication by Dame Barbara Forrester, widow of the deceased Sir David Livingstone of Dunipace, and her children that the creditors of the late Sir David may be

119. Supplication by Dame Barbara Foster, widow, and John, Alexander, William, Margaret and Agnes Levinstoun, lawful children of the deceased Sir David Levinstoun of Donypace, as follows:—Through the death of the said Sir David they are "driven to the extreme poynt of necessitie and want, having nothing for the present to interteanie" them. The escheat and liferent of the defunct has been disponed to the Laird of Lawriestoun, and he and the rest of her husband's creditors having obtained possession of his entire estate, both lands and goods, "altogidder misknaw me, the said Dame Barbara, and my poore children, and will allow us nothing," so they are like to starve. They had accord-

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ingly petitioned his Majesty, who has been pleased to recommend the matter to their Lordships, directing them to summon the creditors of the said Sir David before them and deal with them to grant a reasonable maintenance out of his estate to his widow and children. The supplicant craves that this may be done. [On the back] "*Apud* Edinburgh, 18 February, 1634. *Fiat ut petitur.*" dealt with to grant her an allowance.

120. Supplication by Dame Barbara Forrester and her children, as in the foregoing petition, that, whereas Alexander Stratoun of Lowrestoun has the gift of the escheat and liferent of the deceased Sir David Livingstoun, her husband, he intends, by disposing of it at its lowest value, to appropriate the whole to himself and so defraud the other creditors of what is due to them, while if the same were disposed of at its full value it would not only pay him and all the creditors but also provide a competency for the maintenance of the supplicants; who therefore crave that their Lordships, in terms of his Majesty's recommendation, will so direct that this may be secured. [On the back] "*Apud* Edinburgh, xviij February, 1634. The Lords ordains the creditors to be summoned to the effect within-writtin. GEO. CANCELL^R., I.P.D." 18th February 1634. Supplication by the same Dame Barbara Forrester with reference to Alexander Stratoun of Low Restoun, one of her late husband's creditors.

121. Supplication by William, Earl of Mortoun, Lord High Treasurer of Scotland, and John, Earl of Tracquair, Deputy Treasurer, as follows:—On 13th instant their Lordships ordained Robert and Thomas Dumbar, sons of John Dumbar of Moynes, to pay to the supplicants and the receivers of his Majesty's rents 1000 merks as a fine imposed upon them for wounding Archibald Torrie, messenger, in the execution of his office, but they will not pay the same unless they are compelled. They therefore crave letters charging them to do so. [On the back] "*Apud* Edinburgh, *decimo octavo Februarij*, 1634. *Fiat ut petitur.*" 18th February 1634. Supplication by the Treasurer and Deputy-Treasurer anent the payment of a fine by Robert and Thomas Dunbar.

122. Supplication by John, Lord Areskine, narrating the steps he has taken at great personal expense in promoting the reform of the tanning and barking of leather, and declaring that while many of the most skilful and enlightened of those who follow this craft have embraced the same and conformed to the laws, yet some of the most ignorant, as viz.— refuse obedience. He therefore craves summonses against such. [On the back] "*Apud* Edinburgh, 18 February, 1634. *Fiat ut petitur.*" 18th February 1634. Supplication by John, Lord Erskine, anent his reform of the tanning.

123. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and the provost, bailies and counsel of Innernes, parties grieved, as follows:—Diverse Acts of Parliament made by his Majesty's royal predecessors, specially an Act by King James the Second in his fourteenth parliament, *cap.* 78, forbidding "all commotions and raising of the 18th February 1634. Supplication by the magistrates of Invernes for summons against John Cuthbert

of Auld Castlehill for disturbing the peace of the burgh.

commouns in hindering of the commoun law," under the penalty of confiscation of all movables and the placing of the lives of the contraveeners in the King's will; and an Act of Queen Marie in her ninth parliament, *cap.* 75, discharging "the raising of bandis of men of weare on horsse or fute with offensive waponis," prohibit the carrying of hagbuts and pistols, yet John Cuthbert of Auld Castelhill and Mr John Ros, younger, both pretending right to one part of the common lands of the burgh of Innernes, and disdaining to take their remedy by the ordinary process of law, have resolved by open force and violence, with convocation and assistance of their kin and friends in arms, "to mantene thair usurped unlaughfull possessioun. And for this effect in the monethis of Marche, Aprile and May, August and September last, they had thair conventiclis and privat meetingis within the said burgh, resolveing upoun the forme and maner how they might most substantiouslie prosequute and follow oute thair laules and insolent conclusions." First, the said Mr John Ros, with the assistance of , ploughed the said contraverted lands, which had never before been tilled, of which, when the said John Cuthbert got word, he assembled and others to the number of twenty persons armed with unlawful weapons, who brought a number of ploughs and tilled the land over again, demolishing also some cottages which stood upon the ground. Thereupon Mr John Ros "oute of a heigh raige and furie" assembled five or six score persons of the Clanchattane and other clans about the town, all armed with unlawful weapons, who, bringing ploughs with them, not only retilled the lands in dispute, but a great number of other lands lying about the burgh and demolished a number of cottages standing thereon. "In all thir lawles and insolent actionis thair wes suche a commotioun raised within our toun as hardlie could we gett the same supprest; and fra the tyme of sawing till the tyme of shearing in the moneth of September last thair wes nothing bot factionis fosterit and interteyned be the pairtyis foirsaidis within our toun, ather pairtye stryveing to mak thameselffis strongest. And when the cornis growand upoun the contraverted ground wer reddie for the shearing bothe the saidis pairtyis most factiouslie, seditiouslie and contemptuuslie convocat and assembled togidder the nomber of tua ar three hundreth personis, [of] eache pairtie of whome some wer our awin comburgesses and nichtbouris, bot the most pairt wes the clannis men in the cuntrey, and all of thame wer furneist with unlaughfull waponis, and in hostile and wearlyke maner they addrest thameselffis to shear and intromett with the saidis cornis; and thair grew suche ane animositie and heitt amangis thame as thay wer reddie and at the verie point to haif yokit in persute the on of the other, whilk wald haif produceit suche a fearefull desolatioun and bloodshed as hardlie in ane aige wald the same haif bene redrest. And if we, assisted with the bodie of our toun, had not interposit our selffis betuix thame and tane upoun us the shearing of the cornis, this desolatioun and bloodshed had undoubtedlie followit."

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The supplicants crave letters against the persons named, charging them to appear before their Lordships in this matter. Signed by Sir Thomas Hope. [On the back] "*Apud* Edinburgh, 18 February 1634. *Fiat ut petitur.*"

124. Supplication by James Lawrie, reader at the kirk of Halyrudhous, and one of the late musicians of his Majesty's Chapel, as follows:— During his Majesty's recent visit to Scotland he had contracted some debts in attending his charge, expecting that his Majesty's Treasurer would have paid his fees and so enabled him to pay these debts. But he has received no payment, and now having entered on this service as reader his creditors are impatient and threaten him with all legal execution and the loss of his said office. He therefore craves a protection from their Lordships. [On the back] "*Apud* Edinburgh, 20 February, 1634. *Fiat ut petitur* to . . ." 20th February 1634. Supplication by James Lawrie, reader at the kirk of Holyrood, for protection from his creditors.

125. Supplication by John Maxwell of Castelmilk, as follows:—He is charged to compear before their Lordships to answer to a complaint by Patrick Thomesoun, servitor to Sir John Charters of Amisfeild, which is now submitted to the arbitration of the Earl of Dumfreis, and the Lairds of Lag and Conhaith. He is to attend these gentlemen here in Edinburgh, but is disabled by some civil hornings; and he therefore craves their Lordships' protection. [On the back] "*Apud* Edinburgh, 20 February, 1634. *Fiat ut petitur* to . . ." 20th February 1634. Supplication by John Maxwell of Castelmilk for a protection.

126. Supplication by Alexander Dumbar, son of Robert Dumbar, apparent of Moynes, as follows:—On 14th instant their Lordships ordained him to remain in Edinburgh for eight days until he should find caution in the books of Privy Council in 1000 merks for the indemnity of Archibald Torrie, messenger. He is but a young man not yet provided to any settled estate, either in lands or money, so that it is impossible for him to find this caution. And as for Archibald Torrie, he cannot justly allege that ever the supplicant wronged him or gave him cause to think he intends to do so. However, he is content to enact himself for his safety in 300 merks, which is the highest penalty with which he can be charged, and craves that their Lordships will accept this. [On the back] "*Apud* Edinburgh, *vicesimo Februarij*, 1634. Ordains the supplicant to act himselff to the effect withinwrittin under the pane of j^{m} merks. MORTON, I.P.D." 20th February 1634. Supplication by Alexander Dunbar, son of Robert Dunbar, apparent of Moynes, that a sum offered by him as caution may be accepted.

127. Supplication by Gordoun of Geyght, as follows:—His ordinary pastor, the minister of Monikie, has pronounced the sentence of excommunication against him for his "not resolutioun in some headis and pointis of my religioun wherof I stand in doubt," and by reason thereof he has no free resort in the country and is debarred from pursuit and 20th February 1634. Supplication by —— Gordon of Gight, who is under suspicion for his religion, that

he may have protection till his doubts are cleared.

defence in actions at law before the Lords of Session and other judges. His not being resolved proceeds not from "a wilfull, obstinate and obdurate refusall to heir conference and to use the ordinary means of instructioun and informatioun," as he is most anxious to be "cleirit and satisfyed in thir my doubts, thair being nothing earthlie that I so mutche affect and whairin I am so instant with my prayeris unto God as to be trewlie informit and satisfeit with thir pointis; and for this effect I am in conference with my awne minister and am to mak my addresse to my Lord of St Androis and other prelattis of the Kirk, and to deale with thame for my instructioun and informatioun." That he may therefore attend this and his other business in safety he craves their Lordships' protection. [On the back] "*Apud* Edinburgh, xx Febrnary, 1634. Remittis to the Bishop of Brechine. MORTON, I.P.D."

20th February 1634. Supplication by Robert Snype, burgess of Glasgow, for payment of his costs in connection with his summons by John Knox of Ranfurlie to appear before the Council.

128. Supplication by Robert Snype, burgess of Glasgow, as follows:—He was cited by John Ramsay, messenger, at the instance of John Knox of Ramfurlie, to appear before their Lordships as a witness in his complaint against Alexander Cochrane of that Ilk on 18th February instant. He accordingly came with his man and horse to Edinburgh and was ready to appear and depone, and has awaited since to be called. He left Glasgow on the 15th and so has been for six days at great expense with his man and horse, but the parties have not insisted in the complaint. He craves that their Lordships would modify his expenses for these six days and other two before he will reach Glasgow, and ordain the Laird of Ramfurlie to pay the same. [On the back] "*Apud* Edinburgh, 20 February, 1634. The Lords modifies to the supplicant four punds of expenss to be payed be the producer. MORTON, I.P.D."

21st February 1634. Supplication by John, Lord Yester, anent his taxation.

129. Supplication by John, Lord Yester, as follows:—He has been charged for payment of 30s. for each pound land belonging to him for the taxation of 1630, and of 10s. for each for the taxation granted to the Lords of Session. His vassals, sub-vassals, ladies of terce, conjunct fiars and liferenters of these lands should relieve him for the last two terms for which he is thus charged, but they will not unless compelled. He therefore craves letters for this end. [On the back] "*Apud* Edinburgh, 21 February, 1634. *Fiat ut petitur.*"

21st February 1634. Supplication by John Ramsay in Fraserburgh and others, that Alexander Fraser, elder of Philorth, be compelled, as he was charged, to pay their

130. Supplication by John Ramsay in Fraserburgh, Alexander Fraser, servitor to William Hay, Walter Carno, Alexander Harper and George Prat there, and James Tailyeour at the Windycut, as follows:—They were produced before their Lordships on the 18th instant by Alexander Fraser, elder, of Phillorth, in his action against his son, and their Lordships modified as their expenses 10 merks to each of them, being horsemen, and £4 to each of them, being footmen, to be paid to them by the said Laird of Phillorth, elder. This he refuses to

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do unless he is compelled. They therefore crave that he be charged to pay ten merks each to John Ramsay, Alexander Fraser, Walter Carno and Alexander Harper, and six merks each to James Tailyeour and George Prat. [On the back] "*Apud* Edinburgh, 21 February 1634. *Fiat ut petitur.*" expenses for appearing before the Council at his summons.

131. Supplication by Alexander Mylné, now servitor to James Fraser of Tyrie, as follows:—On January, 1633, he was in the house of William Cassie in Chappeltoun doing his lawful business when Alexander Charles, elder, in Skelmure, William Charles, his son, Alexander Charles, younger, there, and the said William Cassie and Patrick Cassie, his son, George, Patrik and Robert Wods in Ardo, Francis Hay in Chappeltoun, John Bannerman in Pickiltillim, Andrew Gib, Andrew Cooke and John Daniel in Percoak and Robert Cruden at the Mill of Forrest, "first verie shamefullie urged me to drink out ane quart stoupe full of drinke at one drink, quhilk I having with reason refused, they cruellie and unmercifullie persewed me of my lyffe with drawin swords, whingers and trees, gave me manie bauche and blae straikes thairwith in diverse parts of my bodie, threw me to the ground, barbarouslie and cruellie strake, hurt and woundit me with thair said weapons, and with thair hands and feit, reft ane sword frome him [*sic*] quhilk perteanned to John Fraser, Tutor of Techmure, his master, and wes worth ane hundreth merkes, broke the same in peeces upon stones, rent and tare his doublet being of quhyte satein lynned with taffatie worth 50 ℔., and siclyke rave his breekes, quhilks wer of rid skarlet with two gold lace upon the same, worth 40 ℔., rave his band of cutt work quhilks wes worth twentie merkes, togidder with ane broidered sword hinger worth ten punds; and reft his purse frome him with the moneyes being therein worth fourty merks or thereby." He craves summons against them. [On the back] "*Apud* Edinburgh, *vicesimo primo Februarij*, 1634. *Fiat ut petitur.*" 21st February 1634. Supplication by Alexander Mylne for summons against Alexander Charles, elder, in Skelmure, for assault.

132. Supplication by Charles, Earl of Dumfermeline, as follows:—He has been charged for payment of the four terms of the taxation of July, 1630, being 30s. termly, and also for the first term's payment of 10s. of the taxation granted to the Lords of Session, and that for every pound land he possesses; but his vassals and others, who ought to relieve him, will not do so unless they are compelled. He therefore craves charges against them to this end. [On the back] "*Apud* Edinburgh, 22 February, 1634. *Fiat ut petitur.*" 22nd February 1634. Supplication by Charles, Earl of Dunfermline, anent his taxation.

133. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and William Bennett of Grange, as follows:—Although the cutting of green wood and destroying of plantations have been forbidden by law, yet in the months of June, July, August, September, October, and November last, and also in January now bygone, Ragwell Bennett of 24th February 1634. Supplication by William Bennett of Grange for summons against Rag-

well Bennett and James Turnbull for injuring the supplicant's timber.

Chesters, and James Turnebull in the Grange, at his instigation, have come to the supplicant's place of Grange and taken away some twenty growing trees, greatly defacing his place and policy. They crave summons against these persons. [On the back] "*Apud* Edinburgh, 24 February, 1634. *Fiat ut petitur.*" Miscellaneous Papers.

25th February 1634. Supplication by Janet Gourlay, sometime servitrix to the late Lady Abercorn, anent her aliment from her husband, Adam Turnbull.

134. Supplication by Janet Gourlay, sometime servitrix to the late Lady Abercorne, as follows:—On 31st January last she obtained decree before the Lords and others of the High Commission of the Kirk against Adam Turnebull, servitor of William, Marquis of Dowglas, ordaining him to pay to her for her expenses and aliment since the date of two decrees recovered by her against him for solemnizing marriage with her, the one dated 20th March, 1627, and the other 4th July, 1632, she being his declared spouse, the sum of 200 merks and 100 merks yearly for her maintenance so long as he refrains from marrying her and adhering to her, with 20 merks additional for each year's failure. He refuses to obey, and she therefore craves letters to compel him. [On the back] "*Apud* Edinburgh, 25 February, 1634. *Fiat ut petitur.* GEO: CANCELL^{R}., I. P. D."

25th February 1634. Supplication by George, Marquis of Huntly, anent his caution to James Crichton of Frendraught.

135. Supplication by George, Marquis of Huntlie, as follows:—He has been charged at the instance of James Crichtoun of Fendracht to find caution in their Lordships' books in 10,000 merks for the safety of him and his men, tenants and servants. This is far above the amount prescribed by law for lawburrows by noblemen, which should only be £1000. He therefore craves modification, but meanwhile has found caution for obedience if their Lordships so decern. [On the back] "*Apud* Edinburgh, 25 *die mensis Februarij*, 1634. *Fiat summonitio ut petitur* to the 24 day of *Junij* nixt and to suspend and discharge *ut infra* to the last day of the same moneth, becaus the compleaner hes found caution to the effect withinwrittin."

25th February 1634. Supplication by Patrick Alexander.

136. Supplication by Patrick Alexander and others as narrated *ante*, p. 268, adding Janet Leslie, widow, in Kirktoun of Oyne, against Adam Abircrombie of Aldrayne. [On the back] "*Apud* Edinburgh, xxv *die mensis Februarij*, 1634. *Fiat summonitio ut petitur* to the thrid day of *Junij* nixt, and to suspend and relaxe *ut infra* to the . . . of the same moneth, becaus the compleaners have found caution to the effect within writtin. GEO. CANCELL^{R}., I.P.D."

26th February 1634. Supplication by George, Marquis of Huntly, anent the taxation of July, 1630.

137. Supplication by George, Marquis of Huntlie, patron and tacksman of the parsonage teinds of the kirk of Dumblait, as follows:—He is charged for payment of the taxation of July, 1630, being £40 for the teinds of the said kirk. At the time appointed for making of taxed rolls for relief thereof he was "straited" and could not

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attend the business and so he is like to be prejudiced thereby. He craves permission to convene his tacksmen, sub-tacksmen and possessors of the teinds of the said kirk there on and make up a taxed roll. [On the back] "*Apud* Edinburgh, 26 February, 1634. *Fiat ut petitur.*"

27th February 1634. Supplication by George Melville of Garvock for protection from his creditors.

138. Supplication by George Melvill of Garvock, as follows:— During the time of his Majesty's visit he was employed as one of the masters of the royal household, and was at that time forced to contract some debts. He has also been at great expense in setting up some silk works in this kingdom, which are progressing hopefully. Further, he has been pursuing certain persons addebted to him before the Lords of Session for payment of their debts, and the causes are almost settled in his favour; but some of his evilwillers, moved by jealousy, have stirred up his creditors to proceed against him with legal diligences and so prejudge him in his suits and also in his silk works. If he had the fees due to him for his service aforesaid, he could pay his debts, and he expects soon to be able to do so; therefore he craves their Lordships' protection. [On the back] "*Apud* Edinburgh, 27 February, 1634. *Fiat ut petitur* for summounding of the supplicants creditors to the twentie day of Marche nixt, and in the mean tyme grants protection till that day. LINLITHGOW, KINGORNE, ANNANDAILL, SOUTHESK, MELVILL."

27th February 1634. Supplication by Elspeth Bathgate and her spouse, Alexander Fea, mariner in Eyemouth, anent the said Elspeth's impending trial for witchcraft.

139. Supplication by Elspet Bathcat and her spouse, Alexander Fea, mariner in Eymouth, as follows:—Some malicious persons having disgracefully charged the said Elspet with the crime of witchcraft, Sir Patrick Home of Aiton and Mr John Home, minister at Hymouth, at their own hand apprehended her and placed her in ward in the tolbooth of Dunce, where she remained until upon her complaint she was brought to Edinburgh and warded in the tolbooth there. The 11th instant was ordered for her trial, and a copy of her indictment was to be given to her ten days previously, but on that day her trial was postponed till the 11th of March next notwithstanding that she protested against this delay. She is now informed that it is intended to lead a precognition against her and to examine a number of witnesses both men and women against her at Dunce of whom the said Laird of Aitoun and Mr John Home and the Lady Aitoun are three, there being nine others, and a commission has been obtained from his Majesty's Justice to some persons who are her unfriends to take the same at Dunce. As this is a very extraordinary and unusual course to be taken in this kingdom where a person is summoned upon their life, to hear witnesses and take evidence and not hear parties to object, which witnesses ought only to be heard in judgment upon oath in her presence, she craves that their Lordships would inhibit the

Justice, Justice Clerk and their deputes from giving out any such commission or putting the same in execution, and order all witnesses to compear at her trial on the day appointed and verify their depositions in her presence upon oath. [On the back] "*Apud* Edinburgh, 27 February, 1634. *Fiat ut petitur* for the last part of the bill, and the saids Lords declares that if anie have alreadie deponned and sall not compeir before the Justice at the criminal dyet their depositions sall not be respected. HADINTON." Miscellaneous Papers.

27th February 1634. Supplication by the moderator and brethren of the Presbytery of Dumfries for the summons before the Council of certain Papists in the said Presbytery.

140. Supplication by the moderator and brethren of the presbytery of Dumfreis, as follows:—In the Parliament held at Edinburgh in June, 1594, it was ordained that all Papists or persons suspected of being Papists, who are excommunicated for the same, shall be charged to compear before the Council and produce certificates from the presbyteries of the bounds where they reside that they have satisfied the Kirk, under pain of being put to the horn, wherein, if they fail, not only their movable goods but their liferents shall be escheated to his Majesty's use. Now Elizabeth Maxwell, Lady Kirkconnell; Robert Moriesone, servitor to the Earl of Nithsdaill; Jean Maxwell, called of Conheth; Grigel Geddes, goodwife of Drumcoltrum; John Broun, younger, of Lochhill; Marjory Maxwell, servitor to the Earl of Nidsdale; and Elspet Maxwell, called of Conheth, have all been excommunicated for Popery, as their respective parish ministers have reported; and further, Robert Rig, wright, at the Brigend of Dumfreis, having been cited before the supplicants upon 31st December and 14th January last for marrying the said Elspet Maxwell, who, as said is, is excommunicated, and being questioned where and by whom he was married, declared that he was married by a Popish priest on 17th November, "being Sonday at night with candle light above the brig of Clowden in the feilds, and that foure were present at the mariage beside the preist wherof some were men and some weomen, whom he knew not becaus they hid thair faces." The supplicants crave that the above persons, especially Robert Rig, may be summoned before their Lordships and dealt with by them. [On the back] "*Apud* Edinburgh, 27 February 1634. *Fiat ut petitur.* HADINTON."

28th February 1634. Supplication by Patrick Irving, messenger, for summons against John Adie in Wester Beltie and Alexander Strachan in Mid Beltie for hamesucken.

141. Supplication by Patrick Irwing, messenger, in Kincardin o' Neill, Margaret Chamber, his spouse, and Janet Mar, his servant, as follows:—On 9th February instant, being Sunday, John Adie in Wester Beltie and Alexander Strauchane in Mid Beltie came by way of hamesucken under cloud and silence of night to their dwelling-house in Kincardin, and entering therein "first shamefullie railed upon me the said Patrik, thereafter patt violent hands in my persoun and cruellie buffetted me upon the head and face with thair falded neiffes, and, when my said servant preast to helpe me, they drew my awne whinger and wounded the said

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Jounet therewith upon the to the great effusioun of her blood, as also they verie barbarouslie strake my said spous, being lying in childbirth, to the endangering of her lyfe, so as I wes forced to leave the house and they keeped the same till the nighbours of the hous come and tooke thame furth." They crave summons against these persons. [On the back] "*Apud* Edinburgh, *ultimo Februarij*, 1634. *Fiat ut petitur.*"

142. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Ewphame Hay, spouse of John Fraser of Aucherren, and her said husband for his interest, as follows:—Though the carrying of hagbuts and pistols and convocation of the lieges in arms are very strictly forbidden by law, on September last James Keith, son of Keith at the Mill of Camcowter, Alexander Keith, his brother, John Johnestoune, their servant for the time, Gilbert Keith in Auchmather, John Keith of Clakriache, Mr William Ogstoun in John Stratoun in Inverrugie, George Ros in Touxehill, Thomas Gordoun in Gavell, Alexander Keith in Camkowter, George Darg there, Simon Ogstoun in Forrest, and others, armed with swords, staves and other weapons, and the forbidden hagbuts and pistols, came by way of hamesucken to the said John Fraser's dwelling house by the break of day before the sunrising, "where, finding me, the said Ewfame Hay, they without anie offence done be me to thame patt violent hands in my person, and the said James Keith verie shamefullie and unhonestlie strake me on the face with his neiffes to the effusion of my blood in great quantitie, and not content therewith he barbarouslie and cruellie strake me with his feit upon the wombe and privie parts to the great effusioun of my blood and perrell of my lyfe, so as within sax dayes therafter or thereby I parted with barne and lay bedfast be the space of sevin weekes; thereafter I lay bedfast in great pane and hazard of my lyfe, and it is thought be the gentleweomen in the countrie and midwiffes who visite me that I sall be ane cripple all my dayes." She craves summons against these persons. (Signed) Sr Thomas Hop. [On the back] "*Apud* Edinburgh, *die mensis Februarij*, 1634. *Fiat ut petitur.*"

February 1634. Supplication by Euphemia Hay, spouse of John Fraser of Aucherran, for summons against James Keith at the Mill of Camcowler and others for assault.

143. Summons at the instance of the provost and bailies of Edinburgh, against William, Earl of Erroll, Lord High Constable of Scotland, and Mr Archibald Haldane, his depute, as narrated *ante*, p. 298; dated at Edinburgh, 4th March, 1634, and signed JA: PRYMROIS. On the back is a note of service by James Gordon, messenger, on 13th March, against William, Earl of Erroll, Mr George Halden and Mr John Keith, ordaining them to appear before the Council on 20th March instant; witnesses, John Hay, Robert Blakhall and Robert Alshunder, servitors of the said Earl, David Norie, merchant burgess of Edinburgh, Archibald Beg, notary there, Mr Thomas Nicolsone, younger, advocate, George Hadden, servitor to Henry Oisburn, writer in Edinburgh, and Magnus

4th March 1634. Summons at the instance of the magistrates of Edinburgh against William, Earl of Errol, Lord High Constable of Scotland, whom they accuse of illegally assuming the sheriffdom of their burgh.

Mouat, indweller there. Also on the margin there is noted as follows: —"20 Martij, 1634, persewars personallie, with Mr Thomas Nicolsone, procurator; defenders personallie with Mr Robert Lermonth, Mr Rodger Mowat, who satisfiet the production. The persewars producet ane patent and chartour be King James the Thrid be the whiche thay ar maid heretable shireffis within thameselffis and ane ratificatioun thairof in Parliament, 1621: As also producet ane chartour of the office of shireffship within Leyth granted be King James 6 togither with the gift of justiciarie within Edinburgh and Leyth. The persewair desyred that the noblemen, counsellouris, who ar contingent to the Earle of Erroll, might be sett frome being judges. *Repellis.* Ordains the writtis producet to be seene *hinc inde.* 25 *martij*, 1634; *partibus ut supra.* The persewaris upoun the productioun of thair rightis protested that the mater might be remitted to the Sessioun and they reponed again the said decreit. The defenders alledget that the decreitis being recovered *in foro contradictorio* that the samyne cannot be takin away *summare aut de plano* bot efter tryall of thair righte, quhairunto the Counsaill sould be judges. The Lordis continewis the mater till the first Counsaill day of Junij that in the meanetyme his Majestie may be consulted if the mater sal be decyded be the Counsaill or remitted to the Sessioun. Miscellaneous Papers.

The Lord Constable nominat the Earles of Kinghorne and Linlithgow to be commissioners for him anent ane frendlie aggrement with the toun of Edinburgh. The provest and baillies tooke the morne to advyse with thair Counsaill anent thair commissioners and promised to report thair names to the Chancellor with the commissioun.

The persewaris proponit a declinatour agane the Earles Wyntoun, Kinghorne, Linlithgow and [Lord] Erskyne why thay sould nocht sitt judges, being brether in law to the Earle of Erroll, defender ,[and] Linlithgow cousine germane. The Lordis repellis the declinatour agane Linlithgow as being cousine germane. Sustenis the declinatour agane Wyntoun, Kinghorne and Erskyne, brether in law to the Earle of Erroll. 8 July, 1634. Parteis personallie."

10th March 1634. Supplication by the ministers of Leith anent the preceptory of St. Anthony.

144. Supplication by . . . . (torn) . . . . kirk of Leith and in name of the kirk and poor thereof, and James . . . . . Lookup, James Matheson and Matthew Mitchell for themselves and the neighbours and poor of Leith, regarding the preceptory of St. Anthons, as narrated *ante*, p. 296. It is mentioned that the case was called before their Lordships on 31st July last when the said Mr William declared his willingness that the gift purchased by him of the said preceptory should be applied for the benefit of the said poor. It was again before them on 25th September and continued to the first Council day of November, since when it has fallen asleep and they desire it may be awaked, and citation of parties. [On the back] "*Apud* Edinburgh, ... *Fiat ut petitur.* Geo: Cancellr., I.P.D." Also note of citation on 11th

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March, 1634, by Mr William Dowglas, macer, of Charles, Earl of Dumfermeling, and Mr William Wishart, both personally apprehended, to appear before the Council on this 11th of March; witnesses, Sir James Halkheid, younger of Pitfirrane, James Dowglas, macer, and John Dowglas, his servitor. There is also noted on the margin and on the back of the document the following hearings before the Council:—

18th March, 1634, pursuers appearing by James Home and Alexander Hay, and the defender personally with Mr James Baird, his procurator, "who declairit that the persone be vertew of his gift of preceptorie intendit nocht nor wald nocht impugne nor quarrell ony right of the landis or teyndis of the preceptorie of St Anthone standing in the persone of the Earle of Dunfermelyne or Laird of Colingtoun, nor the Sessioun of Leyth, bot be the contrair wes content and willing to ratifie thair rightis and to supplee any defect thairin at the sight and by the appointment of Mr Thomas Nicolsone, elder, advocat. His Majesteis letter delyverit to the Advocat to be advysed thairwith till Thurisday, unto whiche tyme continewis the bussynes.

20 *Martij*, 1634. The quhilk day the persone of Leyth, being assisted with Mr James Baird, his procurator, declared that he wes content that his gift of preceptorie sall be suppressed and haldin as extinct in so far as concernis the Earle of Dunfermelyne or ony otheris having richt fra the said Earle. The Advocat produced the securitie whiche the partie is to give to the Session of Leyth, whiche [is] ordanit to be shawne to thame. Continewis the mater till Twisday nixt."

27 *Martij*, 1634. The parson of Leyth renews his declaration as regards the Earl of Dunfermlyne and extends the same so far as may concern any right or disposition flowing from Alexander and Mr John Hay. Continued till the first Council day of June.

3 June, 1634. Parties as above. Continued to Thursday come eight days.

18 June, 1634. Continued to the 22nd.

26 June, 1634. The parson of Leyth, assisted by Mr James Baird, declares his willingness that the gift in question be totally suppressed, the kirk and session of Leyth being first secured in their right by advice of his Majesty's Advocate, Mr Andrew Aytoun and Mr Thomas Nicolsone. Continued to the 3rd of July.

145. Supplication by William Watson, baker and burgess of Bruntieland, as follows:—On November last William Meeklejohn, George Cairns, and Robert Richieson, bailies of Bruntieland, sent William Cowper, constable, and William Mershell and John Quhyte, officers, to the supplicant as he was working in his bakehouse, and, as soon as they entered, the said William Cowper "feircelie ranne at me with a long halbert he haid in his hand and gave me a deidlie stroke thairwith upon my left showlder three inche deep, and he and the twa officers who

11th March 1634. Supplication by William Watson, baker and burgess of Burntisland, for summons against William Meiklejohn and others for assault.

were with him cast downe, brake, and spoyled the whole bread being in my workhous. And then the three baillies thameselfes came to my workhous and charged me to go with thame to ward; quhilk charge, I having with all dew regard obeyed, and having onelie gone to my hous to have gottin my cloke and hatt, how soone I came back to thame they wold not suffer me to go upon my feet, bot they all closed and gripped me, and by strong hand boore me in to the tolbuith, altho I wes most willing in a peaceable maner to have gone on my feet; and when I came to the tolbuith they patt me in their yron hous and layed me in the stockes, quhere they held and deteanned me that nicht. And upon the morne thairafter they came to the yron hous and with strong cords band me, layed me a new in the stockes, fastened the same with great iron nailes and keeped and deteanned [me] miserable pyned and pained the space of fyve dayes thairafter without ane kynd of offence committed be me." He craves summons against them. [On the back] *Apud* Edinburgh, *undecimo Martij*, 1634. The Lords remitts the tryall of this complaint to the Lord Melvill. MORTON I.P.D." Miscellaneous Papers.

11th March 1634. Supplication by Andrew, Bishop of Galloway, for summons against Thomas M'Kie, sheriff-clerk of Wigtown, for causing a seal of lead to be made with the supplicant's arms.

146. Supplication by Andrew, Bishop of Galloway, as follows:—He granted a precept of *clare constat* to George Stewart of Castnestick of the lands of Castnestick, which are held of the supplicant, and then directed him to John Peter, W.S., who keeps the supplicant's seal, for the sealing of the same. The gentleman told Thomas M°Kie, sheriff clerk of Wigtoun, of this, and he agreed to get the precept sealed for him for £4, which were thereupon paid to him. M°Kie then asked the said John Peter to seal the precept gratis, but, being refused, he betook himself to a goldsmith in Edinburgh and caused him make a seal of lead with the supplicant's arms, and with this counterfeit seal he sealed the precept and delivered it to the gentleman. The supplicant, having recently foregathered with the gentleman in the town of Wigtoun and enquired if his precept was sealed, was told that the clerk of Wigtoun had procured the seal. The gentleman then promised to send his wife with it to the supplicant next day; but meanwhile, having, in his wonderment as to how the seal could have been obtained without the supplicant's knowledge, gone to the said Thomas M°Kie and told him what had passed, M°Kie desired him to send the precept first to him before it went to the supplicant. This having been done as soon as M°Kie obtained the precept, "he went in to a fire hous and held the seale to the fire untill the waxe melted and than with his thumbe defaced the seale and gave it to the woman who caried the same and bade her shew the same to me; quhilk the woman simple did and when the same wes opened there did cleerelie appeare the impressioun of a mans thumbe togidder with the ring of the seale." Such an intolerable insolence deserves exact trial and punishment, and the supplicant therefore craves that the said Thomas M°Kie be cited before their Lordships.

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[On the back] "*Apud*, Edinburgh, *undecimo Martij*, 1634. *Fiat ut petitur.* MORTON, I.P.D."

147. Note of execution by Alexander Garioche, messenger, on 14th March, 1634 (?), against William Fraser of Craigtoun, to appear before the Council on 9th June next and answer for his contravention of the Acts of Council made with his own consent; witnesses, William Fraser, son of the said William Fraser, and Patrick Williamsone, servitor to the messenger.

14th March [?1634]. Note of execution by Alexander Garioch, messenger, against William Fraser of Craigton.

148. Supplication by Archibald Edmonstoun of Duntreth, commissioner for the small barons and freeholders of the sheriffdom of Stirline at the late Parliament, as follows:—He has charged Sir John Halden of Glennegeis to pay to him 13s. 4d. for each pound land of his £18 land of Leitters as his proportion of the cost of the supplicant's footmantle and the expenses allowed to him as commissioner, and Sir John upon some frivolous reasons procured a suspension to a day now long since past, but, conscious of the weakness of his case, he neglected that day and has no intention of discussing the case. He craves new letters against him. [On the back] "*Apud* Edinburgh, xviij *Martij*, 1634. *Fiat ut petitur.*"

18th March 1634. Supplication by Archibald Edmonston of Duntreth, commissioner for the small barons and freeholders of the sheriffdom of Stirling, for letters against Sir John Haldane of Gleneagles.

149. Copy of Act of Council of 18th March, 1634, relating to the report of his Majesty's Advocate about the titles to the preceptory of St. Anthony, printed *ante*, p. 232.

18th March 1634. The Preceptory of St. Anthony.

150. Supplication by William, Earl of Erroll, as follows:—His Majesty, being careful to have the office of High Constabulary of this kingdom preserved with its ancient dignities and privileges, and these properly determined, granted a commission to certain of their Lordships with some Lords of Session and others to inquire into these and report thereupon to his Majesty. These commissioners, *inter alia*, found that the supplicant as Lord High Constable of this kingdom was supreme judge in all matters of riot, disorder, blood and slaughter committed within four miles of his Majesty's person or of the Parliament or Council representing his royal authority in his absence, and that the trial and punishment of such crimes is proper only to the supplicant and his deputes. For the discharge, therefore, of his duty he has appointed deputes under him to reside in Edinburgh, who have convened sundry delinquents before them and ordained them to be committed to ward within the tolbooth of Edinburgh as the only jail where such delinquents can conveniently be imprisoned. But the provost and bailies of Edinburgh, though bound to find him a ward house, refuse to receive these delinquents into their jail and thereby intend to frustrate the execution of sentences of this nature pronounced by him and his deputes, unless a remedy be provided. He craves summons against the said provost and

18th March 1634. Supplication by William, Earl of Erroll, for summons against the magistrates of Edinburgh who refuse to receive into ward delinquents condemned by the supplicant in his capacity as Lord High Constable.

bailies that they may be ordained to ward his prisoners. [On the back] "*Apud* Edinburgh, *decimo octavo die mensis Martij*, 1634. *Fiat ut petitur.* GEO: CANCELL^{R}." Also note of execution by Mr William Dowglas, macer, on 19th March, 1634, of the said summons against the provost and bailies of Edinburgh, viz.:—Sir Alexander Clark, provost, and Edward Farquhar, one of the bailies, in name of all, to appear before the Council on 20th instant; Witnesses, James Dowglas, macer, and John Dowglas, his servitor. Also noted on the margin of the supplication "25 Martij, 1634, persewair personalie, with Messrs Robert Lermonth and Rodger Mowat, his procurators; the provost and baillies personalie with Mr Thomas Nicolsone, his [*sic*] procurator. Continewit to the first Counsaill day of Junij." Miscellaneous Papers.

20th March 1634. Supplication by James, Lord Deskford.

151. Supplication by James, Lord Desfurde, as narrated *ante*, p. 238; with finding on the back as also there narrated. Part of the supplication is torn away.

25th March 1634. Supplication by James, Lord Deskford, bailie principal of the regality of Strathisla, anent John Talbert of Poolfauld.

152. Supplication by James, Lord Desfurde, bailie principal of the regality of Strathylae, as follows:—In the sentence lately pronounced by their Lordships at the supplicant's instance against John Talbert of Poolfauld, who was processed for resetting stolen goods, they had remitted him back to the supplicant with this restriction, that he should first proceed against the thief before dealing with the resetter. This is impossible, inasmuch as the thief is fugitive and a vagabond with no certain dwelling place, and has not since the fact come within the supplicant's bounds, nor will he ever do so. The said John Talbert, therefore, whose reset is undeniable, will never be brought to punishment, and he thinks it right to let their Lordships know this that it may be remedied. [On the back] "*Apud* Edinburgh, 25 Martij, 1634. The Lords ordains the supplicant to conveene the principall theiff before his Majesteis Justice. HADINTOUN."

29th March 1634. Supplication by David Bell, burgess of Dumfries, for summons against Mr. John Corsane, late provost of Dumfries, for assault.

153. Supplication by David Bell, burgess of Dumfreis, as follows:—On 7th March instant he was in the dwelling house of Isobel McRereis, widow in Dumfreis, and some others, when a servant of the house came and called him to come down and speak with "Mr Thomas Ramsay, our minister, who wes in a laich seller, and I having inquired if there wes anie companie with him she ansuered not; and so I come doun to to the closse and hearing Mr Johne Corsane, late provest of Dumfreis, in the seller I desired the servant to intreate Mr Thomas to come furth to me becaus I behoved to returne to the provest in haist. Quhilk the said Mr Johne hearing, he in a great furie ansuered, 'How durst thow, base villane, refuise to come to us,' with manie other disgracefull speeches. Quhairupon I come fordward to see who it was that spake, and perceaving the saids Mr Thomas and Mr Johne

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with thair faces toward the dore, I simplie ansuered that I wes no base rascall. For quhilk onelie caus the said Mr Johne come furth upon me er I wes awar and with his falded neiffes cruellie strake me on the face to the great effusioun of my blood, and felde me to the ground, where I lay a long time swooning, untill I wes tane up be ane honest man in the toun." He craves summons against the said Mr John Corsane. [On the back] "*Apud* Edinburgh, 29 *Martij*, 1634. *Fiat ut petitur*, with the ordiner provisioun. HADINTON."

154. Supplication by George Abircrombie in . . . . as follows:— On March instant he was in the dwelling house of when came to him and, without any provocation, "tooke me be the craig and had almost wirried me, drew ane knyfe, and threatned to cutt aff both my eares, tooke aff my hatt, threw the hat band in the fire and brunt the same with the ribban thairof, cutted and spoyled the hatt with his said knyfe and made the same unprofitable to me, and upon the morne thereafter how soone he rose out of his bed he sought me to have layed me in a paire of stockes." He seeks a summons against his assailant. [On the back] "*Apud* Edinburgh, 29 *Martij*, 1634. The Lords remitts the tryall and punishement of the wrong libellit to the shireff of the shyre. HADINTON."

29th March 1634. Supplication by George Abercrombie for summons against a person who has assaulted him.

155. Summons at the instance of Duncan Fergusone in Muling, and Christian McDuff, tenants to William, Earl of Arroll, and their servant, against John Robertsone of Blettone and John Campbell, son of Hew Campbell of Seat, who at the instigation of the said Hew came by way of hamesucken on to the said Christian's dwelling house, violently broke up the doors, and, finding no one therein save a young lass keeping a bairn in the cradle, they put violent hands upon the young woman and struck and wounded her in various parts of her body, "and kuist the young bairne over in the fyre to the danger of his lyf, and thane they tuik away ane gryt gray hound quhilk the said Duncane keeped about his hous for preserwing of thes boundis frome toddis, quhilkis ar very abundant in thes pairtis and dois werie great harme to the contray peopill." As they were carrying off the dog, an old man of three score years came out of the barn where he was threshing to see what the matter was, when one of these two persons seized him and held a dirk to his breast until the other got clear away with the "grew hound," and he would have killed the poor aged man if he had not gripped the whinger and kept hold of it until his assailant, fearing a concourse of people, fled also to the said Hew Campbell's house, where they were all well received. Charge is hereby given to Thomas McNab, messenger, to cite these persons to appear before the Council on 15th July next. Dated at Edinburgh, 29th March, 1634, and

29th March 1634. Supplication by Duncan Ferguson in Muling and others for summons against John Robertson of Blettone and others for hamesucken.

signed by the said T. Maknab, messenger. [On the back] "xv July 1634: persewers absent; defenders present, to whome admitts protestatioun." Miscellaneous Papers.

March 1634. Supplication for protection by Alexander Bothwell of Newholm.

156. Supplication by Alexander Bothwell of Newholme, as follows:—He is heavily distressed for Mr Adam Bothwell, his brother, for whose debts his lands have been comprised, and he cannot appear in public to deal with his creditors and co-operate with his father for his relief and payment of some 2000 merks of his own debts. He therefore craves their Lordships' protection for a short space. [On the back] "*Apud* Edinburgh, *Martij*, 1634. *Fiat ut petitur* to the nixt Counsaill day that in the meanetyme the creditors may be wairnit, providing alwayes the Bishop of Dunblane consent thairto. GLASGOW."

March 1634. Summons against Robert Stirk, messenger, anent a case of poinding.

157. Summons directed to . . . . Walwood, messenger, at the instance of Robert . . . . (torn) . . . . riburne, narrating that he was indebted to George Cunninghame, younger, in Pittincreiff, who raised letters of poinding against him for the same and committed their execution to Robert Stirk, messenger. Stirk thereupon poinded from the complainer "ane brew copper caldroun of twentie foure gallons, worth ane hundred pounds, with other goods and geir farre abone the worth of his debt." He looked that he should then have received a discharge of his debt, but the said Robert, knowing the complainer to be a poor aged man not able to redress this wrong by law, keeps up the letters of poinding and has now raised caption thereon, daily threatening to poind his goods of new and cast him in ward. The summons is against Robert Stirk to appear before the Council; dated March, 1634, and signed JA: PRYMROIS. On the back is a note of execution by William Walwood, messenger, on 11th July, 1634, against Robert Stirk at his dwelling house; witnesses, John Kirkcaldie, indweller in Kirkcaldie, and Adam Kingorne in Dunfermling. On the margin is noted, "xv July, 1634. Parties personalie. Remitts the satling of this mater to the Bishop of Dunblane."

10th April 1634. Impost on coal.

158. Original of royal letter relating to the impost upon exported coal printed *ante*, p. 259; directed on the back to the Earl of Kinnowle, Chancellor, and the remanent members of the Privy Council of Scotland.

23rd April 1634. Summons at the instance of Mr. Lawrence M'Gill against Alexander Brown.

159. Summons at the instance of Mr Lawrence M'Gill, advocate, sheriff depute of Edinburgh, against Alexander Broun, officer in Wester Duddingstoun, as narrated *ante*, p. 343; with summons also against Alexander Tuidy, tailor in the Cannogait, Robert Kyll in . . . . . and James Foullis, sheriff officer, as witnesses; dated 23rd April, 1634, and signed JA: PRYMROIS. On the back there are noted two executions of this summons by James Hamiltoun, messenger, against (1) Alexander

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Broun, officerin Wester Dudingstoun, David Kilpatrik at Dudingstoun Mylne, and John Kilpatrik in Wester Dudingstoun; witnesses, James Ker, there, and Thomas Smyth; and (2) against John Kilpatrik, witnesses, James Fouller and John . . . . There is also noted on the margin, "Primo Augusti, 1634; persewers personallie; defenders absent; decernis." The document is badly mutilated.

160. Original of royal letter as to Colonel Monro's overtures about disabled soldiers returned from the wars, printed *ante*, p. 333; addressed to the Earl of Kinnowle, Chancellor, and remanent noblemen of the Privy Council of Scotland. 4th May 1631. Colonel Monro and disabled soldiers.

161. Summons at the instance of Sir John Home of Blackadder, James Cockburne of Rysla, George Affleck of Cumridge and John Wilkie of Foulden, against Sir Alexander Nisbet of that Ilk and John Home of Renton, referred to in the counter action in this matter, narrated *ante*, p. 345. The defenders had charged the pursuers to meet at the burgh of Dunce and allocate the amount due to them as commissioners to parliament for the small barons and freeholders of Berwickshire, being £1118 16s. among the pound lands of the said shire, and to make a stent roll thereof, and they intend, if they do not obey, to put them to the horn. Now the pursuers cannot within the time specified to them accomplish this, because many of the lands possessed by the said small barons and freeholders lie within regalties and stewartries, as the regality of Boncul, stewartry of Ma . . . . , and bailiaries of Coldinghame and Lawderdaill, of which the stent rolls will have to be obtained. They had met at Dunce on the day appointed and explained this to the the said John Renton, who, recognising the truth of what is stated, appointed a new day. But they have further difficulties in regard of these small barons holding of different superiors; and they submit that the defenders should furnish a true account of their expenses and produce their footmantles to the sheriff, who [should keep the same and make them] forthcoming to future commissioners. Dated at Edinburgh, 7th May, and signed Ja. Prymrois. The document is much injured. On the margin is noted, "xviij Junij, 1634, Blacader and Ryslay for thame selffes and the remanent persewaris, Rentoun personalie. Finde the letteris ordourlie procedit for payment of the Laird of Rentoun his modificatioun and charges." Also on the back two executions of the summons. (1) By Alexander Home, messenger, on 30th May, 1634, against John Home of Renton, personally apprehended; witnesses, Patrick Abernethie, notary in Duns, and another [torn]. (2) By Andrew Howlatstoune, messenger, on 31st May, 1634, against Sir Alexander Neisbit of that Ilk, personally apprehended; witnesses, Robert Neisbet in Duns, and Thomas Neisbet, servitor to the said Sir Alexander. 7th May 1634. Summons at the instance of Sir John Home of Blackadder and others against Sir Alexander Nisbet of that Ilk and John Home of Renton.

13th May 1634. Letter from his Majesty anent the establishment of public registers.

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162. "CHARLES R.—Right trusty and welbeloved cousin and councellour, right trustie and welbeloved cousins and councellours, and right trustie and welbeloved councellours, wee greete yow well. Whereas it hath been humbelie represented unto us in behalf of the clergie of that kingdome the great hurt arising to the estate and patrimonie of the church by wanting of publict registers wherein all evidents and wreitts disponed by beneficed persons ought to be registrat and consequentlie made knowen to such as affect the standing thereof; to which purpose wee have thought necessarie to cause establish such publict registers and incorporate them with the office of our Clerks of Register, as with persones fittest and readiest to tak an accompt of that charge; whereupon wee have granted a signature to our present Clerk of Register. And therfor it is our pleasure that yow mak an Act of Councell thereupon causing exped it under our greate seale with all diligence, and that yow cause publication be made hereof to all our liedges, as it effeires; for doing whereof these presents shalbe your warrant. Wee bid yow farewell. From our Manour of Greenwich, 13 May, 1634." Addressed to the Earl of Kinnowle, Chancellor, and the remanent Lords of the Privy Council of Scotland.

13th May 1634. Royal letter anent the register of sasines.

163. Original of royal letter for marking of the Registers of Sasines, etc., by the Lord Clerk Register, printed *ante*, p. 274; addressed to the Earl of Kinnowle, Chancellor, and remanent noblemen and others of the Privy Council of Scotland.

26th May 1634. Letter from his Majesty to the Council anent the disorders in the Highlands.

164. "CHARLES R.—Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and trustie and welbeloved counsellours, wee greit yow well. Whereas in our late parliament haldin at Edinbrough within that our kingdome there was complaint made of diverse insolencies and oppressiones made in the Highlandes of our said kingdome, wee being willing to represse the same and to establish such solid order whereby our peace may be mantayned and those rebellious and disobedient subjects reduced to the obedience of our lawes or punished accordinglie, it is our pleasure that yow cause putt in execution the acts of parliament made in the 11 parliament holden by our dearest father of happie memorie, cap. 93, 94, 95, 96 and 97, against the induellers in the Highlandes and Borders or other places where these rebelles resort or dwell; as lykewayes the act of our late parliament made anent the Clangregor; and that yow take such further course for quyeting the disorders in those and other pairtes of that our kingdome as in your judgements shalbe thought fittest for intertayning of our peace and protecteing of our good subjects from all violence and oppression, and that from tyme to tyme yow make us accompt of your diligence herein; but where yow find any lett or stop wee will, upon your signifeing thereof unto us and your

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opinions toucheing the same, concurre by our further authoritie to remove the same. Which recomending to your care wee bid yow heartily farewell. From our manour at Greenwich, the 26 of May, 1634." Addressed to the Earl of Kinnoull, Chancellor, and the remanent Lords of the Privy Council of Scotland.

165. Original of royal letter as to the uplifting of fishing dues by Highland landlords, printed *ante*, p. 286; addressed to the Earl of Kinnoull, Chancellor, and remanent Earls, Lords and others of the Privy Council of Scotland. 26th May 1634. Royal letter anent fishing dues in the Highlands.

166. Original of royal letter for a protection to Sir Hew Wallace of Craigie, printed *ante*, p. 288; addressed to the Earl of Kinnoul, Chancellor, and remanent earls, lords and others of the Privy Council of Scotland. 28th May 1634. Royal letter anent protection to Sir Hew Wallace of Craigie.

167. Summons at the instance of William Andersone in Gartnavell against David Andersone of Byres, charging him to appear before the Council on . . . . to answer to his complaint as narrated *ante*, p. 323; dated at Edinburgh 2nd June, and signed Ja. Prymrois. On the margin is noted the proceedings at the hearing of the case on 22nd July, 1634, with the addition that the Lords modify to each of the witnesses ten (?) merks to be paid by the producer. 2nd June 1634. Summons at the instance of William Anderson in Gartnavell against David Anderson of Byres.

168. Supplication by James Spence for a protection, as narrated *ante*, p. . [On the back] . . . (torn) " . . . 3 *Junij. Fiat ut petitur* be . . . of Counsell to the . . . *Junij* instant." Also note of execution by James Dowglas, macer, against William Thomsone, personally apprehended, to compear before the Council on 19th June; witnesses, Mr Thomas Nicolsone, younger, advocate, and Mr John Keith, his servant. On the margin is noted the hearing of the case on 19th June and again on 8th July (*see* p. 285 *ante*). 3rd June 1634. Supplication by James Spence for protection. Note of Execution by James Douglas, macer, against William Thomson.

169. Supplication by Robert Miller in Lochfut, as follows:—He has raised an action against James Logane in Hills for putting himself and his wife and children out of his dwelling house, and kiln, destroying his furniture, striking his wife and children, and locking up the doors of the said house, pretending he did so in terms of a decreet; he craved of their Lordships that the decreet might be produced and it was thereupon suspended. Some of his witnesses are present to prove the facts, but some are absent through the persuasion of the said James Logan, being his own brother's men and actually present at the time, and he therefore craves that their Lordships would issue letters charging these witnesses to appear, especially William Stillie and John Adameson, servants to the said John Logane, and delay the cause until they come. [Undated, but perhaps about 3rd June, 1634. Cf. p. 261 *ante*.] *c* 3rd June 1634. Supplication by Robert Miller in Lochfut that certain witnesses be summoned to appear in a case in which the supplicant is a chief party.

c 3rd June 1634. Supplication by John Lyon in Armannoch and others anent the same case.

170. "Supplication by John Lyone in Armannoch, John Wilsone, walker in Lochfute, John Pott, cordiner there, John Miller, weaver, John Slowan in the Mott of Lochfute, James Donald in the Hills and William Selbie in Armanoch, as follows:—They have been cited as witnesses in the action between Robert Miller in Lochfutt against James Logane of Hills and have compeared, making a journey of 60 miles each way, the said John Logane doing so twice with his horse, at their own expense, and they crave their Lordships to consider the matter and deal therewith. [Undated.] Miscellaneous Papers.

10th June 1634. Summons at at the instance of Margaret Grant, widow of Alexander Gordon of Dunkintie, against Alexander Gordon, her son.

171. Summons at the instance of Sir Thomas Hope of Craighall and Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr William Falconer of . . . . , now her spouse, against Alexander Gordoun, now of Dunkintie, "the unnaturall sone of the said Margaret," as narrated *ante*, p. 330. The summons is dated at Edinburgh 10th June, 1634, and is signed by Ja. Prymrois.

10th June 1634. Execution of summons by Walter Smith, messenger, against Alexander Gordon of Dunkintie and others.

172. Execution of the foregoing summons on 10th June, 1634, by Walter Smith, messenger, against Alexander Gordoun of Dunkintie, James Gordoun of Leterfourie, Lachlan McQuein, his servant, Robert Gordoun of Myne, Adam Gordoun in Ordiquhisch, James Ros in Gilmorsayn, John Hebroun, son of Alexander Hebroun, portioner of Innerlochtie, Finlay McInarracht and William Nairn, servitor to the said Alexander Gordoun, charging them to appear before the Council on 22nd June next, and answer to the charges laid against them; dated at Edinburgh, 10th June, 1634. No witnesses are entered. On the back is written, "Mr James, tak vith the commissione that wes givin aganis the murthers of Dinkinte, and give them to this berer, Adam Gordone, and pay for it be Buckeyis advyse."

10th June 1634. Summons at instance of John, Earl of Mar, against George Ogilvie of Fornathie and Sir John Ogilvie of Inverquharitie.

173. Summons at the instance of John, Earl of Mar, against George Ogilvie of Fornathie and Sir John Ogilvie of Inverquharitie, as narrated *ante*, p. 324; dated at Edinburgh, 10th June, 1634, and signed Ja. Prymrois. At the foot is noted "Note to summond to the seventein day of July," and on the margin "22 July, 1634. Persewer be Pittodry; defenders absent. Decernis."

10th June 1634. Summons to Thomas Smyth and others to appear before the Council.

174. Summons directed to Williame Middiltone, messenger, to charge Thomas Smyth at the Mill of Ryland and other persons named in the complaint, by John Henrie, as narrated *ante*, p. 328, to appear before the Counsil on 24th July next; dated at Edinburgh, 10th June, 1628, and signed Ja: Prymrois. On the margin there is a note of the proceedings on 24th July.

16th June 1634.

175. Supplication by James [Pennycuik], skinner in Potterraw,

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Christian Cuik, his spouse, and William Pennycuik, his brother, as follows:—On June instant they were removing some plenishing when Janet Hog, spouse to James Storie, . . . (torn) . . . Agnes Heriot, spouse to Robert Hog, potter there, Marion Mortoun, widow there, Margaret [Hog] . . . Janet Hog, and Elizabeth Pennycuk, servitrix to Margaret Young, widow there, at the instigation of the said James Storie and Robert Hog, fiercely assailed them, "dang" them to the ground and injured them both with hands and feet, giving them many "bauch, blae, and bloodie straikes." They also cruelly wounded David Pook, a workman, who was removing their goods, with stones upon the head to the effusion of his blood. Further, on the 10th of the same month, these said persons all came to the said Christian, who was then great with child, as she was attending the workmen who wer removing her gear, "and with thair hands and feit and great stones dang me to the ground, tramped upon me, and with thair hands and knees so birsed my haill bodie and bowells, togidder with my head and face that the blood came gushing out at my mouth and nose in great quantitie, and they had not failed to have slaine me about eleven houres at night if the officers and nighbours of the toun had not rescued me. And at that same tyme I, the said William, being carrying ane burdein on my backe with ane tow the saids haill persons dang me to the ground and with thair hands and feit verie cruellie hurt and woundit me and almost wirried and strangled me with the tow so as I lay a long tyme dead on the ground and wes caried home be the nighbours." And James Penycuik complains that they invaded and pursued him for his life, "rave the hide aff my face and gave me manie bauche and blae straikes" with their hands and feet. They crave summonses against their assailants. [On the back] "*Apud* Edinburgh, *decimo sexto d*[*ie mensis Junij*], 1634. *Fiat ut petitur.* HADINTON." (The deed is somewhat mutilated.)

Supplication by James Pennycuik, skinner, his spouse and brother for summons against Janet Hog and others for assault.

176. Execution by James Bisset, messenger, on 18th June, 1634, of summons at the instance of James Penecuik, Christian Cuik and William Penecuik, against Robert Hog and Agnes Heriot, his spouse, at their dwelling house in Potteraw, James Storie and Janet Hog, his spouse, Marion Mortoun, Margaret Hog and Elizabeth Penecuik as defenders, and John Diksoun, bailie in Potteraw, John Hendersone, officer there, John Manvell, . . . (torn) . . . Brand, tailor there, John Hog, puderer there, David Werdie, potter there, Robert Roger, baxter there, . . . John Towie, Robert Wat and John Pursell, cordiners there, John Wauchop . . . Fisher, workman there; as witnesses. The service is attested by Magnus Justice, officer, and John Dunmur, tailor in Potteraw.

18th June 1634. Execution of summons by James Bisset, messenger, against Robert Hog and others.

177. Supplication by Charles, Earl of Dunfermling,

c 18th June 1634.

Supplication by Charles, Earl of Dunfermline, and others anent the preceptory of St Anthony.

Fowles, Laird of Collingtone, Sir Hammiltone of Reidhall, James Home, and others, in reference to Mr William Wishart and the preceptory of St. Anthons, as narrated *ante*, p. 296. Their Lordships had heard the case on 17th June, when they had all attended and expected it would have been put to a point. But it was continued till the 24th, and they crave that Mr William Wishart, as he is in good health, may be peremptorily charged to compear on the 24th June and produce his gift of the preceptory, and to charge the keepers of the registers not to give forth any extract of the said gift in all time coming. [Torn, especially at the date.]

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20th June 1634. Summons at the instance of Francis Scott Carterton and James Johnston of Braikensyde against Walter Scott for assault.

178. Summons at the instance of Francis Scot of Cartertoun, servitor to James Lord Johnstoun, and James Johnstoun of Braikensyde, against Walter Scot, called Willies Wattie, for the following cause. The complainers accompanied their said lord and master to the burial of the Earl of Bucleuche upon 11th June instant, where there were many noblemen and persons of rank convened, and were peaceably riding home after the burial when the said Walter Scot, without any offence given to him in worn or deed, "followed thame out of the toun of Haik and with a drawin sword feircelie and cruellie invadit and persewit the said Francis of his lyffe; and whereas the said James Johnstoun came ryding to him and earnestlie delt and travelled with him to forbeare these doings at that tyme, seeing he might give matter and occasion of trowble quhilk wald not ly in his power to setle, he in the lyke furie persewed the said James of his lyffe, and never forboore the giving out of fierce strokis at thame till his sword brake;" dated at Edinburgh, 20th June, 1634, and signed JA: PRYMROIS.

20th June 1634. Execution of summons against the High Constable.

179. Execution of summons on 20th June, 1634, by John Stirling, messenger, at the instance of the provost and bailies of Edinburgh, against William, Earl of Erroll, High Constable of Scotland, for his compearance before the Council; witnesses, Robert Erskene, indweller in the Cannogait, and Alexander McBrek.

21st June 1634. Summons at the instance of Mr. Andrew Ramsay, one of the ministers of Edinburgh, against the Earl of Linlithgow.

180. Summons at the instance of Mr Andrew Ramsay, one of the ministers of Edinburgh, against Alexander, Earl of Linlithgow, and others, as narrated *ante*, 317; for the compearance of the defenders before the Council on 8th July; dated at Edinburgh, 21st June, 1634, and signed, JA: PRYMROIS. On the margin is noted, "*Octavo Julij*, 1634. Pursuer be Harye Osburne; defenders be Alexander Lyntoun, who produced a protectioun granted unto the Earle of Linlithqw and his cautioners for securing of thair persones till December nixt and alledgeit that the Lord Elphingstoun and Hayning, being cautioners to the Earle of Linthqw, the desyre of the summonds could not be granted agane thame. Ordanis Harye Osburne to produce his pairtye upon Twisday

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nixt and the protection to ley in the Clerks hands till that day." Also note of the hearing upon the 15th.

181. Note of five executions by Walter Smyth, messenger, of summonses at the instance of Sir Thomas Hoip of Craighall, King's Advocate, and Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr William Falconer, now her spouse; (1) on 23d June, 1634, against [Adam] Gordoun in Ordiquhish; witnesses, James Lorimar, tailor in Elgin, Alexander Guthra, servitor to John Chalmer, skinner, burgess in Elgein, and Alexander Auldcorne, the messenger's servitor; (2) on the same day, against James Ross in Gillmoirsyid and William Nairne, servitour to Alexander Gordon, now of Dunkintie; witnesses, James Hay in Kirkhill, Paul Hay, burgess of Edinburgh, and Patrick Chalmeir, burgess of Elgein; (3) on the same day, at the dwelling house of Alexander Gordon, now of Dunkintie, being for the time at Gilmoirsyid, against Lachlan M°Quein, servitor to James Gordoun of Lettirfurie, who remains there for the present; witnesses, George [Stronoche], servitor to James Ross in Gilmoirsyid and the foresaid Alexander Guthra and Alexander Auldcorne; (4) on 27th June, 1634, at the market cross of Elgein, against Adam Gordoun and Lachlan M°Quein foresaid; witnesses, George Brodie, and William Robertsoun, younger, burgesses of Elgein, and Alexander Dunbar, lawful son to Robert Dunbar, burgess there; and (5) on 9th July, 1634, against James Fynla, servitor to James Hay in Kirkhill, George Stronoche, servitor to [James] Ross in Gilmoirsyid, John Geddas in Barmowkattie, Thomas Cromy there, and James Gordoun, portioner of Urquhart; witnesses, William Ross in Kirkhill, Fy . . . . (torn) . . . . to the said Mr William Falconer, and the foresaid Alexander Auldcorne. All are summoned to appear before the Council on 22nd July, 1634. [The document is much wasted.]

23rd June 1634. Note of five executions at the instance of Margaret Grant, widow of Alexander Gordon of Dunkintie.

182. Summons at the instance of Robert Dumbar of Burgie against James Gordon of Knockaspeck and William Gordoun of Arradoull, as narrated *ante*, p. 328; directed to Andrew Dunbar, messenger, dated at Edinburgh, 23rd June, 1634, and signed JA: PRYMROIS. On the back is a scroll note of the hearing of and finding in the case; while on the margin is noted, "24 July, 1634; persewar be Mr William Dumbar; defender absent; decernis."

23rd June 1634. Summons against James Gordon of Knockaspeck and William Gordon of Arradoull.

183. Supplication by George, Marquis of Huntlie, against John Tosheoch, as narrated *ante*, p. 291. On the margin there is noted the hearing of the case on the 24th instant. "The speecheis provin. Continewis the advyseing of the punishement till Twisday nixt"; and also the finding on 1st July.

24th June 1634. Supplication by the Marqui of Huntly against John Toshoch.

184. Four executions of a summons at the instance of Francis [Scott], (1) on 25th June by John Ritchartsoun, messenger, against Walter

25-30th June 1634. Four execu-

tions of a summons at the instance of Francis Scott.

Scott at his dwelling house in Wrae in Eusdaill; witnesses, Thomas Litill, called of Mekildaill, and John Batie in Kaslichis. (2) On 26th June, 1634, by John Fleming, messenger, against the said Walter Scott at the market cross of Dumfreis, charging him to appear before the Council on 1st July next; witnesses, James Maxwell, bailie of Dumfreis and . . . . [torn] . . . . (3) On 29th June, 1634, by James Wauch, messenger, against Patrick Johnstoun in Grantoun, as a witness in the case; witnesses, [Alex]ander Johnestoun in Wodhead, and Thomas Johnestoun in Erisbank: and (4) On 30th June by Gilbert Watt, messenger, against James Grahame of Gillesbie, George Jonstoune of Greitheid and James Haliday in Bedhokholme, also as witnesses in the case; witnesses, Robert Johnstone of Newtoune and John Johnstone, burgess of Edinburgh.

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26th June 1634. Summons at the instance of James Bannerman in Dunkeld against Mr. John Stewart, Commissary and bailie of Dunkeld, for assault.

185. Summons at the instance of James Bannerman in Dunkeld directed to Gilbert Henrie, messenger, for charging Mr John Stewart, commissary and bailie of Dunkeld, to compear before the Council on [10th] July next to answer to the following complaint. That on June last he came to the water of Tay where the complainer's servants were bleaching forty ells of cloth and "despitefullie tramped the cloath among the glar and sand," rendering it unprofitable to the complainer. That on 14th June instant when the complainer's servants had won some turf in the commonty of Dunkeld upon a warrant from the Bishop of Dunkeld, he intercepted the servant by the way, took the turfs from him and cut and destroyed them, and hurt and wounded the servant, threatening to take his life if he came again to get any turfs. Further, on Sunday last, the 22nd instant, "about the thrid bell," when the complainer was going peaceably to the Earl of Atholl's lodging in Dunkeld, to convoy him to the kirk, the said Mr John, with respect neither to the Lord's day nor to his own position, being a commissary and bailie, came to the complainer on the highway and "with his neiffes shamefullie buffetted him on the face, kuist him . . . . [torn] . . . . upon him with his feit and when the compleaner wes releeved be the nighbours . . . . Johne went home to his hous and brought furth his sword followed the compleaner . . . . . Atholl's loodging, so as he behooved to be keeped there all that day till . . . . . convoyed him home to his awne hous" . . . . . For his life he dare not keep his own house and his servants are terrified. Dated at Edinburgh, 26th June, 1634, and signed JA: PRYMROIS.

Notes of two executions by Gilbert Henry, messenger.

Attached to the summons is another paper containing notes of two executions thereof by Gilbert Henrie, messenger, on 2nd July, 1634, (1) against Mr John Stewart, personally apprehended; witnesses, Patrick McCala, servitor to John, Earl of Athoell, and John Kilt, messenger: and (2) against James Moncuir in Dunkeld *(p.)*, Mr Andrew Chirthtowie . . . . *(p.)*, William Ros, notary there *(p.)*, John Henderson, servitor to the Earl

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of Athoell *(p.)*, and Thomas McNaib, messenger *(p.)*, all personally apprehended; and also William Adamssone, servitor to the said Mr John Stewart, fiar of Ladyvaill, as witnesses in the cause; witnesses, Alexander Fyffe, son of William Fyffe, notary in Dunkeld, the said John Kilt there, Thomas Sandessone there, and Robert Stewart, natural [son] to George Stewart in Dunkeld.

186. Summons at the instance of Mr David Falconer of Glenferquhar, directing John Scubie, messenger, to cite Sir John Blacader of Tulliallane to appear before the Council on 3rd July next on the complaint narrated *ante*, p. 304. Dated at Edinburgh, 26th June, and signed JA: PRYMROIS. On the margin is noted "10 July, 1634; persewer be Sir Alexander Falconer, his brother; defender absent: Decernis." On the back there is noted the execution of the summons on 28th June, 1634, by John Scobie, messenger, against the said Sir John Blacader, personally apprehended; witnesses, Thomas Reid, chapman in Clakmannan, Patrick Law, servitor to the said Mr David Falconer, and Robert Blacader in Tulliallan: also a scroll minute of the finding in the case.

26th June 1634. Summons at the instance of Mr. David Falconer of Glenfarquhar against Sir John Blackadder of Tulliallan.

187. Supplication by Sir William Dowglas of Cashogill, knight, as follows:—He has been long in ward in the tolbooth of Edinburgh at the instance of some persons whose names are only borrowed by the Earl of Queinsberrie, who thereby seek to procure his utter wreck under colour of the supplicant's escheat and liferent, which the Earl alleges has fallen in his hands as lord of the regality of Drumlanrig, and the said Earl has arrested all his rents and meddled with all his goods, leaving him nothing for the support either of his own natural life, or his wife and children. By his imprisonment his whole estate is undone and his creditors are frustrated of any payment. He craves his enlargement, and that a macer be charged to warn the said Earl and also the provost and bailies of Edinburgh to compear for that effect. [On the back] "*Apud* Edinburgh, 26 *Junij*, 1634. *Fiat summonitio ut petitur* to the day of . GEO: CANCELL^{R}., I.P.D." There is also note of execution of charge on 4th July, 1634, by James Dowglas, macer, against William, Earl of Quenisberrie, to compear before the Council on 8th July instant; witnesses, William Herres, sometime of Terrachtie, and James Ker, servitor to the said Earl. On the margin is noted the hearing of the case on 8th *(f)* July, when the pursuer compeared personally, and the Earl of Queinsberrie by George Deanes who declared that Cashogill was not detained at Queinsberrie's instance and that he consented to his relief; whereupon the Lords ordain Cashogill to be put to liberty in so far as he is warded by Queinsberrie only.

26th June 1634. Supplication by Sir William Douglas of Cashogle that he may be freed from ward, in which he is illegally held by the Earl of Queensberry.

188. Summons at the instance of Mr Alexander Innes, minister at the kirk of Rothiemay, as narrated *ante*, p .344 dated at Edinburgh,

26th June 1634.

Summons at the instance of Mr. Alexander Innes, minister at the kirk of Rothiemay, against Lady Rothiemay.

26th June, 1634, and signed JA: PRYMROIS. On the margin is noted, "*Primo Julij*, 1634, persewair personalie; defender absent: Decernis. 22 July, 1634, persewair personalie; defender be the Bishop of Dumblane. Continewed with consent till this day aucht dayes." [Much mutilated.] Miscellaneous Papers.

27th June 1634. Summons at the instance of Mr. John Stewart, Commissary and bailie of Dunkeld, against James Bannerman in Dunkeld for assault.

189. Summons at the instance of Mr John Stewart, Commissary of Dunkeld, and bailie of Dunkeld, narrating that on 2nd October last he caused apprehend and ward Thomas Michie, servitor to James Bannerman in Dunkeld, for the theft of some sheaves and burdens of corn from , he having been taken with the fang, whereat the said James Bannerman, grudging, came under cloud and silence of night to the said Commissary's house in Dunkeld that same night, "and verie shamefullie and unworthilie upbraidit the baillie for imprisonning his servant, calling him ane greater theefe nor his man and that it wes rather the bailleis kynde to hing nor his mans, with a nomber of most opprobrious and contumelious raylings, holding all the while his hands at his durke, resolved to strike the baillie therewith, and using all maner of provocations to have irritat the said baillie to enter in some violent and dangerous conflict with him; quhilk the said bailleis wife, being then great with child, fearing, she presentlie tooke to her childbirth with ane great trembling and travelled sevin dayes in hazard of her life, and [since she] wes delyvered the childe wes possessed with the same trembling be the space of ane moneth thairefter." The said bailie comported with the misbehaviour of the said James in these circumstances, hoping he would change, but he continued in his "inordinat and lawlesse" conduct, and on the 22nd instant, being Sunday, while the said bailie was standing about with friends and servants before the afternoon's service, regardless of his office of bailie, struck him upon the face to the effusion of his blood at mouth and nose. Charge is therefore given to the said James Bannerman to appear before the Council on 8th July next; dated at Edinburgh, 27th June, 1634, and signed JA. PRYMROIS. On the margin is noted "*Octavo Julij*, 1634. Parties personalie. Continewit to Thurisday."

c 27th June 1634. Summons at the instance of John Irving in Auchinsleitt against Robert Maxwell of Dinwiddie, steward-principal of Annandale.

190. Summons at the instance of John Irwing in Auchinsleitt against Robert Maxwell in Dinwiddie, steward principal of Annandaill, who has recently apprehended him and warded him in the tolbooth of Dumfreis on the charge of stealing a sheep, of which he is most innocent. He will neither release him nor put him to trial, and he is like to starve for want. He is to appear before the Council that he may be ordained to liberate the complainer. The document is torn and mutilated, and the date is torn away save the year—1634. Attached to the summons is an execution dated 27th June, 1634, by James Wauch, messenger, against the said Robert Maxwell of Dinwiddie to compear before the Council on

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8th July next. Not being personally apprehended at his dwelling place he is also charged at the market cross of Lochmabane; witnesses, Andrew Reid in Auldtoun, John Haliday and David . . . . , servitors to the said Robert Maxwell, at his said dwelling place; and John Johnestoun, called of Thorniequhat, and Christopher Braiche, maltman, burgess of Lochmaben, at the market cross there.

191. Summons at the instance of Bessie Wright, widow of Duncan Buchannan of Catter, against her son-in-law, John Grahame, in Blaircesnocke, as narrated *ante*, p. 327; dated at Edinburgh, 28th June, 1634, and signed JA. PRYMROIS. On the margin is noted "22 July, 1634. The Lords nominats the Master of Elphinstoun and Sir Archibald Achesoun to examine the witnesses the morne at sevin houres in the Laich Counsel hous at sevin of the clocke in the morning." Also proceedings and sentence on 24th July.

28th June 1634. Summons at the instance of Bessie Wright, widow of Duncan Buchanan of Catter against her son-in-law, John Grahame.

192. Summons at the instance of Isobel Ewart, spouse of William Dowglas of Pomferstoun, against William Dowglas in Pomferstoun, as narrated *ante*, p. 316; dated at Edinburgh, 30th June, 1634, and signed M. G. PRYMEROSE. On the margin is noted, "xv July, 1634, persewer be her husband; defenders absent; decerns." On the back is a note apparently about the execution of the summons on 1st July, 1634, and the names James Graham, David Ramsay and William Lynsay, all in Edinburgh, the citation being presumably to the 3rd July.

30th June 1634. Summons at the instance of Isobel Ewart, spouse of William Douglas of Pumpherston against William Douglas in Pumpherston.

193. Note of executions on 30th June and 2nd July, 1634, by Thomas Paterson, messenger, of summons at the instance of Griffon Wmkills, as narrated *ante*, p. 294, against (1) James Tennant of Blakhall *(p.)*, personally apprehended in South Williamstoun; witnesses, David Lyoun and David Denholme, servitors to the said James Tennent; and (2) against James Lathreish, and James Sibbald, personally apprehended, George Melvill in the Newtoun *(p.)*, William Melvill in Doniface, and Andrew Melvill in Sconie *(ab.)*, at their dwelling place, and at the market cross of Coupar in Fyiff; witnesses, Mark Hill, servitor to the Laird of [Dun]das, and William Wilson there, James Couper, John and Walter Sibbald, sons of the said James Sibbald, and John Philp, stabler in Couper; all being charged to compear before the Council on 3rd July next. On the back is noted a scroll of the decreet and finding in the case.

30th June 1634. Note of executions by Thomas Paterson, messenger, at the instance of Griffin Wmkills.

194. Summons at the instance of the provost and bailies of Edinburgh, directed to John Stirling, messenger, to charge William, Earl of Erroll, Lord High Constable of Scotland, and Mr John Keith, servitor to Mr Thomas Nicolsone, younger, advocate, who is accused of wounding James Tenent, servitor to Sir James Nicolsone of Colbrandspeth, to

. . . June 1634. Summons at the instance of the magistrates of Edinburgh against

William, Earl of Errol, Lord High Constable.

appear before the Council on 24th June instant, dated . . . [torn] . . . June, 1634, and signed Ja. Prymrois. On the margin is noted, "24 Junij, 1634, persewaris personalie with Mr Thomas Nicolsone, elder, thair procurator; the Earle of Erroll personalie. The persewaris proponit a declinatour apoune the Chancellor as having subscryvit the report maid to his Majestie concerning the Constables previledges quhairin he hes affirmed to his Majestie the point in questioun; and aganis the Thesaurar and Lorne as cousine germanes to the Constable. Repellis bothe. Continewed to this day eight dayes.

Primo Julij, 1634. Provest and baillies personallie; the Erle of Erroll excused by a testimoniall of his sicknes. Continewed to this day eight dayes." Miscellaneous Papers.

June 1634. Summons at the instance of Thomas and George Simpson, against James Douglas, elder in Lugton.

195. Summons at the instance of Thomas and George Simsoun against James Dowglas, elder, in Lugtoun, narrating that Dowglas leased to the complainers and others certain of his lands in Lugtoun for eight years from Martinmas, 1629, for the yearly rent of £60, and by the terms of the tack was obliged to relieve them of payment of the teinds. Dowglas borrowed up their tack upon his faithful promise to return it uninjured, and gave it in keeping to his son Archibald Dowglas, "and upon the day of last in Mr Johne Oliphants chamber, shireff clerk of Edinburgh, tooke the same frome him, and despitefullie and maliciouslie rave, cancelled and destroyed the said tacke." Charge is to be given to the said James Dowglas for his compearance before the Council on . Dated . . . June, 1634, and signed Ja. Prymrois. The deed is greatly destroyed.

[. . . June] 1634. Summons at the instance of Griffin Wmkills.

196. Summons at the instance of Griffon Wmkills in Harnam, in the county of Northumberland, as narrated *ante*, p. 294; dated . . . (torn) . . . 1634, and signed JA. PRYMROIS. On the margin is noted the hearing of the case on 3rd July, 1634.

June 1634. Charge at the instance of Patrick Edmondston of Wolmet against Mr. James Raith of Edmistoun.

197. Charge at the instance of Patrick Edmistoun of Wolmet against Mr James Raithe of Edmistoun to refrain from enforcing his letters, as narrated *ante*, p. 316, as he has found . . . . . of Schanke, cautioner for obedience if it be found he ought to do so; dated at Edinburgh, . . . June, 1634, and signed Ja. Prymrois. On the margin is noted a scroll of the proceedings on 15th July.

1st July 1634. Note of execution by James Graham, messenger, against William Douglas and Marion Bruce, his mother.

198. Note of execution on 1st July, 1634, by James Grahame, messenger, of a summons at the instance of Isobel Ewart, spouse to William Douglas, fiar of Pumpherston, and the said William, at the market cross of Edinburgh, against William Douglas and Marion Bruce, his mother, for their compearance before the Council on 3rd July instant to answer their complaint against them, narrated *ante*, p. 316;

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witnesses, David Ramsay of Torbain, and William Lyndsay, indweller in Edinburgh.

199. Notes of two executions in the same matter on 1st July, 1634, by John Johnstoun, messenger, (1) against William Dowglas in Pumpherstoun and Marion Bruce, his mother, the latter personally apprehended and the former by delivery at his dwelling house in Pumpherstoun, to appear as above; witnesses, Hew Schaw in Pumpherstoun, and Samuel Johnstoun, the messenger's son; and (2) against James Dowglas, James Mowtray and James Hamiltoun, all in Pumpherstoun, and personally apprehended, as witnesses in the case; witnesses, James Chysholme, servitor to William Dowglas, fiar of Pumpherstoun, and the foresaid Samuel Johnstoun.

1st July 1634. Notes of two executions by John Johnston, messenger.

200. Summons at the instance of Archibald Dumbar of Baldune against Sir Patrick Agnew of Lochnaw, commissioner to Parliament for the sheriffdom of Wigtoun, for suspension of the latter's charge against him to pay to the said Sir Patrick 14s. 8d. for each of his pound lands within the said shire, which lands are not subject to the said stent, seeing they are the property of the Crown and set in feu for payment of a great feu duty. No part of the Crown property is burdened with these contributions for the expenses of the parliamentary commissioners, "becaus our fewars reape no benefite, credite, nor commoditie be the barons vote in Parliament, nather doe the saids small barons and friehalders in anie part of our said kingdome acknowledge our fewars to be a part of thair bodie; they ar not callit to thair courts nor to nane of thair meetings and gives no sute nor presence at thair courts, hes no handling nor medling in thair effaires; and they accompt nane to be of thair nomber bot onelie the small barons and frehalders halding of us" . . . (torn) . . . bar of Baldune's brother is the feuar of the lands and the complainer is only tenant. However, he has found William Glendonyng of . . . (torn) . . . cautioner in case he be found liable in payment; dated 1st July, 1634, and signed Ja. Prymrois. On the back there is a note of the execution of the summons on July, 1634, by John Dunlop, messenger, against the said Sir Patrick Agnew, personally apprehended in the burgh of Edinburgh; witnesses, James Eistoun, and . . . . Leslie, messenger, both in Edinburgh.

1st July 1634. Summons at the instance of Archibald Dunbar of Baldoon against Sir Patrick Agnew of Lochnaw.

201. Supplication by Charles, Earl of Dumfermeling, Sir James Fouls of Collingtoune, Sir James Hamiltoune of Reidhall, Mr John Cant of Laurenstoune, Adam Cunningham, advocate; and James Hoom, Alexander Hay, Mr John Elphingstone, John Lookup, James Mathesone and Matthew Mitchell, all in Leith, for themselves and for the kirk and poor of Leith, against Mr William Wishart, parson of Lestalrig, with reference to the preceptory of St. Anthons, as narrated *ante*, p. 296.

1st July 1634. Supplication by Charles, Earl of Dunfermline, and others anent the Preceptory of St. Anthony.

[On the back] "Apud Edinburgh, primo Julij, 1634. *Fiat ut petitur.* SOUTHESK." Also note of execution on 2nd and 3rd July by Mr William Dowglas, macer, against Mr William Wishart, parson of Restalrig, Mr Adam Hepburn, servitor to Thomas, Earl of Hadintoun *(p.)*, also the said Earl for his interest, Mr Alexander Hay, Writer to the Privy Seal, Mr William Chalmer, Treasurer's Clerk and Keeper of the Treasurer's Register, and the Lords Treasurers, principal and depute, to compear before the Council on 3rd July instant, and to bring with them their books and the impugned signature; witnesses, James Dowglas, macer, and John Dowglas, his servitor. There is also noted on the deed the hearing of the case on 3rd July, and that the parties were personally present "except the parson." Miscellaneous Papers.

1st July 1634. Supplication for protection by John Dunbar of Moynes and Robert Dunbar, his heir.

202. Supplication by John Dunbar of Moynes and Robert Dunbar, apparent thereof, for the extension of their protection, as narrated *ante*, p. 292. [On the back] "*Apud* Edinburgh, *primo Julij*, 1634. *Fiat ut petitur* to the fifteen of this instant. GEO. CANCELL^{R}, I.P.D."

1st July 1634. Sir James Lundie ordered to appear before the Council in connection with the petition given in against him by John Lundie of that Ilk.

203. "At Edinburgh, 26 of Junij, the yeere of God j^{m}vj^{c}xxxiiij yeeres, the Lords of Secret Counsell ordanis a maisser to pas and warne Sir James Lundie, knicht, to compeir personallie before the saids Lords upon Tuesday nixt, the first of July, to ansuer to the petition given in to the Kings Majestie aganis him be John Lundie of that Ilk, of the quhilk petition ordanis a copie to be delyvered to the said Sir James, and to heere and see suche order tane thairanent as apperteines, under the paine of rebellion and putting of the said Sir James to the horne, with certification to him and he failyie letters sall be direct simpliciter to putt him thairto.

Ordered to answer the Laird of Lundie's articles.

Primo July 1634. Parties personalie. The Lords ordanis Sir James Lundie to make ane ansuer in writt to the Laird of Lundeis articles upon Thursday nixt.

Denies the competency of the Council.

1° July, 1634. Parteis personallie. Sir James gave in his ansuer in writt conteaning a declinatour of the Counsell as incompetent Judges, quherunto it wes ansuered be Mr Johne Gilmour, proloquutor for Lundie, that they wer not insisting for a definitive sentence upon anie point of right bot onelie for a precognitioun and tryell of the fraude and circumventioun committed be Sir James in the mater compleanned upon.

The Lords decide to proceed with his trial.

The Lords find thameselffes nowayes judges to the validitie or invaliditie of Sir James Lundie his infeftmentis or other rights quhatsomever, nor yitt judges to the tryall of quhatsomever fraud or circumventioun alledget used be the said . . . . . may infer or be used for infringeing or annull . . . . feftments and rights. Bot the Lords for obedience . . . . letter declares that thay will proceede to the tryall . . . . said Sir James his dewtie and behaviour . . . . others his procedingis

ellaneous towardis his three nepheus . . . . decease of the Laird of Lundye his brother and after tryall . . . mak report thairof to his Majestie accordinglie."

204. "Ansueirs for the pairt of Sir James Lundin to the Articles given in aganis him be Johne Lundin of that Ilk, quhairunto the Lordis of his Majesteis Secreit Counsall hath ordaned the said Sir James to ansueir. c 1st July 1634. Answers of Sir James Lundie to the articles given in against him by John Lundin of that Ilk.

The said Sir James maketh this generall ansueir to all the saids Articles that the samyne beiring a progress of the tymes and circumstances when and how the said Sir James came to the richt and possessioun of the lands and leving of Lundie ar mere civile and aucht properly to be discussit be the Lords of Sessioun, and (without offence be it said) the Lords of his Majesteis Secreit Counsell ar not nor cannot be competent judges in suche causes, nor use they to determine in maters of that kynd, as is notour to thair Lordships selves, for gif his richts and infeftments of the saids lands wer nocht gude and valide frome the begining and sua his possessioun uulauchfull and vitious, which is not, he shall answeir thairto as accords of the law whensoevir he beis persewit befoir the said ordinar and civile judge, and whilks infeftments, richts and possessioun, the said Sir James being convened, as said is, shall schaw and evince to be most valide and effectuall, and to have bene so frome the begining, and that the saids haill articles given in aganis him ar nothing bot groundles informatiounes and wrong and calumnious suggestiounes."

205. "Ane nott of Sir James Lundy his haill proceidar how he come to the trust of the leving of Lundye. c 1st July 1634.

Wmquhile Johne Lundie of that Ilk, brother germane to the said Sir James Lundie, deceissit in anno 1605, at the quhilk tyme vmquhile James Lundie, eldest sone and air to the said vmquhile Johne, was be advyse of freindis mariet upone Katharine Lyndesay, sister to Johne, Lord Lyndesay, tua dayis befoir his fatheris deceis without proclamatioun for eschewing of the ward and mariag, and at the same tyme the said vmquhile John Lundie of that Ilk, be his letter will and testament, maid and constitut Williame and Johne Lundeis, his sones, his onlie executouris and intromittouris with his guidis and geir, quhilk extendit to the sowme of 30 thousand merkis and abone.

Now, efter the deceis of the said umquhile John Lundie of that Ilk, the freindis of the hous, finding the said vmquhile James Lundie, eldest sone [and] air to the said vmquhile Johne, vnhable to governe his awin estaitt and so minor in understanding thocht nocht in yeiris, the saidis freindis maid chioise of the said Sir James, his uncle, to quhome thay committit in trust the governement of the haill estait and bairnes with this condi-

tioun that within sewin yeiris thairefter he suld releive the landis of the haill dettis and provyd the haill bairnes, quhilk the said Sir James promeissit to do in presence of famous witnesses *omni exceptione majore.* Miscellaneous Papers.

Now, at his first entrie to the governement of the estaitt he makis the haill dettis licht upone the plenisching, quhilk wes left, as said is, to Williame and Johne Lundies, and pat thame both furth of the cuntrie to fecht for thair leiving. Thairefter umquhile James Lundie, his mariag nocht being ordourlie done, was challengit be the Thesaurar for the tyme, for the quhilk Johne, Lord Lyndesay, componit with the Thesaurar for ane thousand punds, and thairefter desyrit the said vmquhile James Lundie, his brother in law, to pay the said sowme to the Thesaurair to the end that he mycht tak the gift of the waird in his name, quhilk the said vmquhile James, be advyse of the said Sir James, his uncle, refuissit to do, quhairupone my Lord Lyndesay did tak the gift of the waird in his awin persone and so refuissit to pay ony tocher at all. Wpone the quhilk refuissall Sir James did steir his awin tyme and so to circumveine the simpill man cumes to the said James and schew him how uncorteouslie his gudbrother, my Lord Lyndesay, did use him in taking of his waird and mariage, and that seing the said Lord Lyndesay did refuis to pay ony tocher it was na resone to infeft Katharine Lyndesay, his lordships sister, in any conjunctfie, quhilk the said vmquhile James Lundie, hir spous, was obleist to do be contract of mariage and schew him that the onlie way to eschew that infeftment wes to resigne the haill landis in his majesties handis in favours of the said Sir James and so he having no land . . . . . infeft his vyfe in conjunctfie. The simple man upone . . . . . promeis to repone him in his awin place agane quhensoever he . . . . so, and so the said Sir James wes infeft in the haill landis . . . . . ony bak band and so remanit in possessioun of the saidis . . . . of auchtene yeiris applying the haill rent thairof to his awin use . . . . . fiyve scoir chalderis victuall yeirlie (exceptand onlie intertenem . . . . and the lady and nocht havand ane servand to attend thame. So the . . . . . said Sir James miscariage to thame both the lady deceissit the . . . . . in anno 1620, quhilk wes fyftein yeirs efter the said Sir James . . . . . nement of the estaitt and within the space of sex monethis . . . . . deceis hé did send the Laird himself being of liiij yeiris of age . . . . cuntrie to seik his fortoun at the weiris with his uther tua brether, William and Johne, and within the space of ane moneth efter his landin in Suadin he deceissit.

Than, efter the deceis of the said James, vmquhile Williame Lundie, his brother, his narrest and lauchfull air, being for the tyme ane capitane in Suadin, heiring of his brotheris death come hame to succeid to his brotheris estaitt, bot far by his expectatioun finds that Sir James, making use of his brotheris simplicitie, had intrudit himself in the land and so wes standing infeft thairin and, befoir he wald denud himself of the land quhairin he wes onlie intrusit, first he takis his haill tocher gud frome

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him extending to the sowme of thretie thrie thousand merkis (albeit he was forced to give the same back againe becaus the said William died within the yeir efter his mariage) for payment of his fatheris dettis, for paying of the quhilk dettis Sir James had befoir, as said is, takin frome the said William and Johne thair fatheris haill guidis and geir, extending to the said sowme of fourtie thousand merkis; as also he takis him bund for the payment of tuelf thousand merkis for the plenisching on the Maynes of Lundie quhilk wes ane pairt of that same geir left to him be his said vmquhile father. So that, first, he takis his bairnes parte of geir frome him to pay his fatheris dettis, Secundlie, he takis his tocher gude frome him to pay that same dett *de novo* (albeit he repayed it agane), Thridlie, he causis him by his awin geir bak agane, Fourtlie, for his gud offices done to the hous be his dispositioun to Williame of the landis he reservis his awin lyffrent of the Maynes of Lundie and forces the said Williame to tak ane tak bak agane fra him of the said maynes for yeirlie payment to the said Sir James of tua thousand merkis yeirlie during his lyftyme, quhairby the said Sir James acknawledges in effect that he wes onlie put in trust in the saidis landis, yit nochtwithstanding be his dispositioun maid to Williame the said Sir James provydis himself air of tailyie failyeing airis maill of the said Williames awin bodie, and efter the said Williames deceis nochtwithstanding of the said trust Sir James maid use of the said tailyie and obtenit himself infeft *de novo* in the landis and intromettit with his haill guidis and gear, quhilk wes worth tuentie ane thousand pundis and abone.

And thairefter Johne Lundie, now of that Ilk, brother and narrest and lauchfull air to the said umquhile Williame, having delt with the said Sir James both be himself and be his honorabill freindis as being trew air, to quhais behuive he wes onlie intrustit, to denud himself of the estait in his favouris he forcit the said Johne, he having nather wreitt nor legall obleisment quhilk culd compell him thairto to yeild to sic conditiounes as he craivit, quhilk wes so rigorus as gif the said Johne had bene ane stranger to haif maid conqueis of the landis he culd hardlie bene burdanit with moir strait conditiounes; nochtwithstanding the said Sir James in presence of famous witnesses *omni exceptione majore* had ever profest himself to haif bene ane persone quha in respect of his proximitie of band to the hous had tane doing upone him in trust to the behoive of the trew airis and profest that in effect he wes and wald be ever bot ane chalmerlane to the hous of Lundie, and yit wald never quytt his richt committit to him in trust bot upone the rigeorous conditiounes following:—

First he tuik frome the said Johne the sowme of tuentie thousand merkis for payment of his fatheris dettis quhilk dettis suld haif bene payit with the [plen]isching takin be him fra the saidis Williame and Johne, as said is, nixt . . . . . the said Johne obleist to provyd his haill brether and sisteris extend[ing] amangis thame to the sowme of

tuentie four thousand merkis, quhilk wes Sir James pairt till haif done first, conforme to his promeis to the freindis of the hous, as said is, at his first entrie in trust to governe the estait nixt as universall intromettour with the said wmquhile Williames guidis and geir quhilk belangit to his saidis brether and sisteris as executouris to him; than he takis the said Johne obleist to pay the said Williames haill dettis, extending to the sowme of sewin thousand merkis; moir he forces the said Johne to by the plenisching of Lundie, quhilk belangit to himself first as executour with the said Williame to his father and nixt as onlie executour to the said Williame, seing he provydit the rest of the bairnes to the sowme abonewrittin. And last of all he takis him obleist to warrand him at the handis of all persones quhatsumever havand entres or may challenge him for quhatsumever thing as being ane Laird of Lundie or intromettour with his father and brether thair guidis and geir. And nochtwithstanding of his intromissioun with the said vmquhile Williames guidis and geir he hes nocht nor will nocht confirme the said Williames testament, and in respect of his refuissall the procurator fiscall of the Commissariat of Sanct Androis hes disponit his guidis and geir to ane stranger and brocht the saids Jhon in that inconvenient to pay the haill sowmes contenit in the said testament because Sir James hes him obleist to warrand and kelp him skaithles thairof at all handis, lyk as he hes maid intimatioun to him under forme of instrument to warrand him thairof according to his band. And mairour in the dispositioun maid be him to the said Johnne of the landis he reservit his awin lyffrent of the Maynes of Lundie and hes set the said Maynes to the said Jhone in tak for yeirlie payment to him of tua thousand merkis during his lyftyme. All thir forsaidis obleismentis the said Johne was forcit to grant to befoir the said Sir James wald denud himself of the landis quharin he wes put in trust. Quhilk trust and his professioun and confessioun of the samyn the said Johne offerrit him to preive, as said is, quhilk being provin it followis necessar of the law that all the forsaid strait conditiounes and obleismentis man be presumit to have bene extortit out of the said Johne *in debite et sine causa* seing the said Sir James can not condescend upone nor qualifie ony trew caus of the granting thairof for the quhilk the said Johne was dettour to him *alliunde* bot onlie to mak him denud himself of the said estait quhilk wes dew into him and quhilk he wes obleist to do without ony gratitud or gud deid.

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And farder the said Sir James Lundie forced the said Johne Lundie to undertake the payment upoun him of thretteine thowsand merkis for byrun spuilyies of the teyndis of Lundy quherwith he intrometted himselff."

(Signed at the foot) JA. GALLOUAY.

1st and 2nd July 1634.

206. Notes of three executions by James Leslie, messenger, at the

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instance of Mr Andrew Ramsay, in terms of his complaint narrated *ante*, p. 317, (1) on 1st July, 1634, against the Earl of Linlithgow, both at his dwelling place and the market cross of Linlithgow, to compear before the Council on 8th July; witnesses, James Erskene, merchant in Edinburgh, and John Heart, son of John Heart, messenger there: (2) on the same day against Alexander, Lord Elphingstoun, and John Livingstoun of Hayning, at their dwelling places of Elphingstoun and Hayning, to the same effect and before the same witnesses: and 3) on 2nd July, 1634, against the said Lord Elphingstoun and John Livingstoun at the market cross of Striviling before the same witnesses. On the back there is noted a scroll of the decision of the Lords in the case. Notes of three executions against the Earl of Linlithgow.

207. Notes of two executions on 2nd July, 1634, by John Kilt, messenger, of a summons at the instance of Mr John Stewart, fiar of Ladywell, commissary and bailie of Dunkeld, (1) against James Banerman, citizen of Dunkeld, personally apprehended, to appear before the Council on 8th July instant; witnesses, Robert Mwray, citizen in Dunkeld, and Gilbert Hendrie, messenger; and (2) against James Moncur, citizen, and Thomas M°Nab andD avid Cwymig, notaries in Dunkeld, all personally apprehended, as witnesses in the case; witnesses . . . (torn) . . . of Drumacarss, William Selar in Inshewin and Gilbert Moncreif . . . 2nd July 1634. Notes of two executions against certain persons in Dunkeld.

208. Supplication by Fergus Grahame of Blaatwod for a protection, as narrated *ante*, p. 296. [On the back] "*Apud* Edinburgh, 3 July 1634. *Fiat ut petitur* to this day eight dayes. GEO: CANCELL^{R}., MORTON, GLASGOW, WIGTOUN, Jo. ROSSEN. 3rd July 1634. Supplication by Fergus Grahame of Blatwood.

209. Supplication by George Ker, tailor, burgess of Edinburgh, respecting James Foorde, his apprentice, as narrated *ante* p. 295. [On the back] "*Apud* Edinburgh, 3 Julij, 1634. *Fiat ut petitur*. GEO: CANCELL^{R}. I.P.D." 3rd July 1634. George Ker, tailor burgess of Edinburgh, and his apprentice.

210. Extract of the Act of Council in the matter between the Kirk Session of Leith and others and Mr William Wishart, regarding the preceptory of St. Anthons, printed *ante* p. 296. Signed by GEO. CANCELL^{R}., MORTON, GLASGOW, ERROLL, WIGTOUN, KINGORNE, ANNANDAILL, LAUDERDAILL, STERLINE, SOUTHESK, and TRAQUAIRE. 3rd July 1634. The Preceptory of St. Anthony.

211. Summons at the instance of Griffon Wmkills against Henrie Grinlay, as narrated *ante*, p. 301; dated at Edinburgh, 3rd July, 1634, and signed Ja: PRYMROIS. On the margin there is a short note of the hearing of the case on 8th July. 3rd July 1634. Griffin Wmkills and Henry Grinlay.

212. Charge at the instance of Mr James Raithe of Edmestoun against 3rd July, 1634.

Charge at the instance of Mr. James Raith of Edminston against Patrick Edmondston of Wolmet.

Patrick Edmestoun of Wolmet for obeying the decreet of the Council of 17th June last (*ante*, p. 316), which he is refusing to do, and which, if he do not obey within three days, he is to be put to the horn; dated at Edinburgh, 3rd July, 1634, and signed JA: PRYMROIS. Miscellaneous Papers.

3rd July 1634. Charge to John M'Crystie of Munhill to appear before the Council.

213. Charge by Andrew Gray, messenger, to John M°Crystin of Munhill to appear before the Council at Edinburgh on 24th July instant as a witness in the action by Patrick Agnew of Lochnaw, knight, and Patrick Culbrethe, messenger, against Alexander M'Kie, tutor of Barquhane, dated at Edinburgh, 3rd July, 1634. [On the back] "Johne M°Crysten of Mukhill. 24 July, 1634. Modifeis twentie merkes to the witnes within chargeit."

3rd July 1634. George Ker and his apprentice.

214. Finding of the Lords upon the supplication by George Ker, tailor, burgess of Edinburgh, for the apprehension of James Ford, as narrated *ante*, p. 295.

c 3rd July 1634. Deed of ratification by Mr. William Wishart, parson of Restalrig, anent the Preceptory of St. Anthony.

215. Deed of Ratification by Mr William Wishart, parson of Restalrig, narrating that his Majesty on 16th July, 1630, granted to him a presentation under the Privy Seal for life to the preceptory of St. Anthons beside Leith with all lands, duties, teinds and other pertinents thereof so far as they have been known to belong to the said preceptory or hospital of St. Anthons with the site thereof and of its kirk and kirk-yard and other yards and orchards, where they stood of old, together with all sums of money and other payments mortified and doted thereto in time past; and being most willing to secure the session, elders, deacons, members, and incorporation of the said session of the south kirk of Leith and their successors for ever in name and behalf of the poor of the hospital thereof in whatever thereof they were provided by his present Majesty or his father, he therefore ratifies and approves a charter under the great seal dated at Quythall, 2nd March, 1614, by King James the Sixth to the ministers, elders, and deacons of the Session of the said Kirk of Leith and their successors in behalf of the poor of their hospital of all lands, duties, and all other pertinents of the said preceptory or hospital of St. Anthons beside Leith; and he renounces all action he has for reduction of the said charter and all infeftments and deeds following upon it. There is added a procuratory of resignation, but the deed is not dated, signed nor attested.

4th July 1634. Note of execution by James Bisset, messenger.

216. Note of execution by James Bisset, messenger, on 4th July, 1634, of charge by Mr James Reath of Edmestone against Patrick Edmestone of Wolmet at his dwelling place. (See No. 212 *supra*); witnesses, Patrick Symsone, servitor to the said Mr James Reath, and Robert Diksone, servitor to the said Patrick Edmestone.

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217. Note of execution on 4th July, 1634, by John Kilt, messenger, at the instance of Mr John Steuart, bailie and commissary of Dunkell, against Mr Andrew Creychtoun, schoolmaster in Dunkell, and William Ross, notary there, both personally apprehended, to compear before the Council on 8th July instant, as witnesses anent the riot committed by James Banerman in Dunkell against Mr John Steuart; witnesses, Mr William Glas, minister there, and Patrick Toschach there. In an appended list of five witnesses other three names are given, Thomas McNab and David Cumming, notaries, and John Hendersoun. 4th July 1634. Note of execution by John Kill, messenger.

218. Note of execution on 4th July, 1634, by John Kilgour, messenger, at the instance of Mr Alexander Innes, parson, vicar and minister at the kirk of Rothiemay, against Catrein Forbes, Ladie Rothiemay, to compear before the Council on 22nd July next (see *ante*, p.); witnesses, Richard Craig in Aberdein, and John Kilgour, younger, in Old Aberdein. 4th July 1634. Note of execution against Lady Rothiemay.

219. Supplication by Robert Keith in Garvell, as narrated *ante*, p. 304. [On the back] "*Apud* Edinburgh, *quinto Julij*, 1634. *Fiat ut petitur.* HADINTON." Also note of execution on 7th July, 1634, by William Dowglas, macer, against William Dick, William Gray, and William Reid, one of the bailies of Edinburgh, for himself and in name of the remanent magistrates, personally apprehended, to appear before the Council on 8th July; witnesses, James Dowglas, macer, and John Dowglas, his servitor. There is also noted on the margin the proceedings in the case on 10th July, and a scroll of the decision itself is drafted on the back. 5th July 1634. Supplication by Robert Keith in Garvell. Note of execution against William Dick and others.

220. Note of execution of summons by George Andersone, messenger, on 6th and 7th July, 1634, at the instance of John, Earl of Mar, lord of the lordship of Carderhous [Cardross], against Sir John Ogilvie of Innerquharitie, knight, and George Ogilvie of Fornatie, both personally apprehended, to appear before the Council on 17th July; witnesses, John Simsone, traveller, Robert Alschunder, servitor to the Laird of Innerquharitie, and William Couper, servitor to the messenger. 6th and 7th July 1634. Note of execution of summons against Sir John Ogilvie and George Ogilvie.

221. Note of execution on 7th July, 1634, by Thomas Patersoun, messenger, of summons at the instance of Griffone Wmkillis of Harnane in the county of Northumberland, against Henry Grinlay in Hawthornsyke, at his dwelling house there, and also at the market cross of Linlithgow, to appear before the Council on 8th July instant; witnesses, John Grinlay, father of the said Henry, and John Abernethie, James Kewing, messenger, and Thomas Tailyeour, indweller in Linlithgow. 7th July 1634. Note of execution at the instance of Griffin Wmkills against Henry Grindlay.

222. Note of execution on 7th July, 1634, by Andrew Dunbar, 7th July 1634.

Note of execution against William Gordon of Arradoull.

messenger, of summons at the instance of Robert Dunbar of Burgie against William Gordon of Arradoull and now of Knokespok at his dwelling place there (who, not being able to get personal access, delivered the charge to Helen Gardin, his spouse), to compear before the Council on 24th July instant; witnesses, William Tailzeour in Burgie, and Andrew Pakman, servitor to the messenger. Miscellaneous Papers.

7th July 1634. Note of two executions against Thomas Stewart and others.

223. Note of two executions on 7th July, 1634, by William Middletone messenger, of summons against Thomas Stewart (deleted), James Alexander and Henry Merser to appear before the Council on 24th July; witnesses, John Gordon in Fordyce, William Synone in Midhill, and Walter Fraser in Avae; and (2) against Mr Thomas Mortimer in Breidheuch, John Din in Midhill, Walter Walker in Rylland, Andrew Baxster, William Myill, James Merser, John Allane in Garrallmane, Andrew Elis and Andrew Patersone, as witnesses in the same case; witnesses, Walter Fraser in Avey, George Davidsone in Banff, and in Fordyce.

7th July 1634. Summons at the instance of Elspet Mason against John Maxwell of Castelmilk.

224. Summons at the instance of Elspeth Maisson, lawful daughter of the deceased William Maisson, merchant burgess of Edinburgh, and Mr Gabriel Rankene, now her spouse, against John Maxwell of Castlemilk, as narrated *ante*, p. 347; dated 7th July, 1634, and signed Ja: Prymrois. On the margin is noted the hearing of the cause on 1st August, 1634, and on the back note of execution as in No. 263 *postea*.

7th July 1634. Letter of the Steward of Annandale to the Council anent John Irving, accused of sheep-stealing.

225. "Rycht nobill and potent, Pleas your lordships—Quhairas Johnne Irving in Awchinstork, parochine off Drysdaill, being suspect off thift and ane great number off scheepe beand stollin at severall tymes frae the minister of the said parishe and sundrie utherres honest men his nichtboures—quhilkis honest men accompanyet withe the searchearres appointit be his Majesties Commissionerres off the middillschyres for the said parochin off Drysdaill and certane uttherres honest folkis and nichtboures come to the said Johnne Irving his hous to rype for their scheepe, quhae haweing denyet all wes laid be thame to his charge, the saides searcheares rypit his howsses and fand hid privatlie thairin ane scheepe new slaine togidder withe the skin quhilk Johnne Johnnestoun in Clewcheidis, ane off the honest men quhae wanted thair scheepe, knew to be his awin be the mark and burne of the same; and lykwayes they fand uther sax scheepe skinnes hid togidder with twa pokefulles off wooll and ane great number off scheepe bonnes hid under ane bed; and the said Johnne Irving, being presentit be the saides searcheares to me as stewart off Annandaill, I, quhill farder tryell had been takin thairanent, committed him in the pledge challmer off Drumfreis; quhae, upon sinisterous information to your Lordships, hes purchesit his Majesties letters chargeing me to compeir befoir your Lordships to

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heir and see him put to libertie as being innocent off these crymes foirsaidis. Quhairfoir these ar to schawe your Lordships that the deteining off the said Johnne Irving in waird was onlie upon forder tryell off his malefactes, the cuntrie being oppressit be the suche pyk . . . . theeffes swa that gewe sik practeises be observit in putting to libertie such persownes committit for the lyk crymes it will incourragge thame swa to continew in their . . . . thift as that it sall not be possibill for honest men to preserve thair bestiall unstollin. And swa remitting these to your Lordships . . . . . I humblie tak my liwe and remaines, your Lordships servitor, DINVODIE."

Dated at "Dinvodie, the 7 of Julij, 1634."

Addressed "To the wery honorabill and nobill Lordis, the Lordis off his Majesties Secreit Cownsell."

226. Supplication by John Murray, one of his Majesty's servitors, as follows :—He is warded for failing to find caution to John Howie, tailor, burgess of Edinburgh, for payment of £16 or thereby, which he alleges he spent for furnishing on the supplicant's account in his Majesty's service while his Majesty was lately here, he being an under-servant in the supplicant's service, but he did so without any warrant. Yet he is willing to make him all the satisfaction that lies in his power and to assign him so much of the fees due to him for his service of which he has as yet received nothing. He therefore craves that their Lordships would cite the said John Howie before them to this end. [On the back] "*Apud* Edinburgh, *octavo Julij*, 1634. *Fiat ut petitur. Ad. B. of Dunblane.*" Also note of execution by Mr William Dowglas, macer, on the same day of the citation against the said John Howie at his dwelling house; witnesses, James Dowglas, macer, and James Dowglas, Admiral officer. On the margin is noted "xv *Julij*, 1634. Parties personalie. Ordains John Murray to be returnit to his waird."

8th July 1634. Supplication by John Murray, one of his Majesty's servitors, for a summons against John Howie, tailor, burgess of Edinburgh.

227. Supplication by Christian M°Caitnay, indweller in Edinburgh, as follows :—On April last, under cloud and silence of night, she was going to take her natural rest when Susanna Paterson in the Cannogait desired her to come out of her house and give her a word, which having done at her desire, and having come to the street of the Cannogait, the said Susanna procured a warrant from Mr James Wilkie and James Sympson, bailies there, and had her taken with violence to prison. Here she remains like to starve, although she has injured no one and has been unwarrantably apprehended, being his Majesty's free liege. She craves summons against the said Susanna Paterson and the bailies. [The indorsement on the back is torn away, save the signature] HADINTON. There is a note of execution by Mr William Dowglas, on 8th July, 1634, against the said Susanna Paterson, also against the said James Symesoun, delivery being made to his servant, William Brock, for their compearing before

c 8th July 1634. Supplication by Christian M'Caitnay, indweller in Edinburgh, for summons against Susanna Paterson, whom she accuses of illegally warding her.

the Council on 8th July; witnesses, James Dowglas, macer, and John Dowglas, his servitor. On the margin there is noted "xv July; parties personally: Ordains Christiane M°Caitney to be returned to her ward." Miscellaneous Papers.

8th and 9th July 1634. Note of two executions by Robert Merrilees, messenger.

228. Note of two executions by Robert Merrieleyis, messenger, of a summons (1) on 8th July, 1634, against James Douglas, elder in Lugtoun, personally apprehended, to appear before the Council on 10th July; witnesses, James Briges, David Briges and John Stevin, indwellers at Dalkeith: and (2) on 9th July, 1634, against John Neiving in Herdane . . . . , Arthur Stratoun, W.S., in Edinburgh, James Aitkin, writer there, and Archibald Douglas, servitor to Oliphant, sheriff-clerk of Edinburgh, all personally apprehended, as witnesses in the same case; witnesses, Robert Clerke, servitor to the said John Neiving, John Gourlaw, servitor to James Dowglas, macer of the Privy Council, John Stewart, writer in Edinburgh, and another . . . . officer there.

9th July 1634. Griffin Wmkills and his stolen cattle.

229. Scroll of the Acts of Council upon 9th July, 1634, relating to the matter of Griffon Wmkills and his stolen cattle, as narrated *ante*, p. 301. There are also written on the paper the following names:—"Robert Maxwell of Dinwodie, Adam Carlell of Brydkirke, Androw Murray of Murrinhat.

9th July 1634. Summons at the instance of Mr. William Clogie, minister at Inverness, and others against John Reid and others.

230. Summons at the instance of Mr William Clogie, minister at Innernes, and the provost and bailies of the said burgh, against John Rid and others in the complaint narrated *ante*, p. 342; dated at Edinburgh, 9th July, 1634, and signed JA: PRYMROIS. On the margin there is noted "*Ultimo Julij*, 1634. The minister and Duncan Forbes personalie: the defender present, Francis Duff with . . . *Primo Augusti*, 1634. The Lordis recommendis to the Bishop of Glasgu and Sir Robert Gordoun . . . "

10th July 1634. Summons at the instance of Andrew Hay, W.S., against Robert Scot of Dryhope and others.

231. Summons at the instance of Andrew Hay, W.S., narrating that on 14th and 15th November last Robert Scot of Dryhope, as principal, and Samuel Cockburne of Henderland and Andrew Scot of Howden as cautioners, were put to the horn at his instance for not paying him 2400 merks with due interest, £40 of penalty and £225 of expenses, which they disregard, and charging these persons to appear before the Council on at Edinburgh. Dated 10th July, 1634, and signed JA: PRYMROIS.

10th and 11th July 1634. Note of executions by Patrick M'Awlay, messenger, at the instance

232. Note of executions by Patrick M°Awlay, messenger, of a summons at the instance of Bessie Wricht, widow of Duncan Buchannan of Casly [*sic*], as narrated *ante*, p. 327, (1) on 11th July against John Grahame of Blairsessnoch, personally apprehended in presence of Walter Buchannan of Drummakill, Edward Buchannan of Spittall, and John

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McLewqhar, his servitor; and (2) on 10th and 11th July, 1634, against Walter Buchannan of Drummakill *(ab.)*, Thamas Buchannan of Catter, his brother *(ab.)*, Edward Buchannan of Spittall *(p.)*, George Buchannan, notary *(p.)*, all personally apprehended; and the said messenger also caused John Grahame, officer, to summon William Blair of Finneik Malice *(p.)*, John Lekkie, notary in Leadleane *(p.)*, Patrick Lekkie, portioner of Wester Catter *(p.)*, John Lilburne, ferrier at Catter Boat *(p.)*, and Andrew Logane, miller at Catter Mill *(p.)*, as witnesses, copies of the summons being left with their wives as they could not be personally apprehended; witnesses, Patrick McIlhoise in Ardinpryor, Duncan Buchannan, notary in Kippane, Robert Grahame, servitor to John Grahame of Rednyk, John Buchannan of Ros and William Buchannan, his brother; all to appear before the Council on 22nd July. On the back is noted a scroll of the finding of the Council in the case.

of Bessie Wright, widow of Duncan Buchanan, against John Grahame of Blaircessnoch, and others.

233. Note of two executions of summons at the instance of John Lundie of that Ilk and others by James Leslie, messenger, (1) on 11th July, 1634, against Sir James Lundie, personally apprehended within the burgh of Edinburgh, before Lundie, servitor to John Lundie of that Ilk, and James Murheid, writer in Edinburgh; and (2) on 13th July against Sir Robert Hackat of Pitfirrane, knight, and [James Hamilton] of Kilbrachmont as witnesses, both personally apprehended, before James Angus and . . . . , servitors to the Laird of Pitfirrane, . . . John Skene, clerk to the Lords of Session, and Walter Burne.

11th and 13th July 1634. Note of two executions of summons at the instance of John Lundie of that Ilk and others.

234. Summons at the instance of Sir Thomas Hope of Craighall, King's Advocate, and Mr Peter Kennowie of Ketlestoun, against the provost and bailies of Linlithgow, as narrated *ante*, p. 320; dated 12th July, 1634, and signed Ja: Prymrois. On the back there is a note of the hearing of the cause.

12th July 1634. Summons at the instance of Mr. Peter Kennowie of Kettleston against the provost and bailies of Linlithgow.

235. Summons at the instance of John, Earl of Wigtoun, and Sir Thomas Hope of Craighall, King's Advocate, against Thomas Porteous of Glenkirk and others, as narrated *ante*, p. 324; dated at Edinburgh, 12th July, and signed JA: PRYMROIS. On the margin is noted "17th July, 1634, persewers personallie with Thomas Porteous. The Lords continewes the mater till Tuisday nixt, and ordains the persewers to give the defender a full copie." Also a note of the finding on 22nd July.

12th July 1634. Summons at the instance of John, Earl of Mar, and others against Thomas Porteous of Glenkirk and others.

236. Summons at the instance of John Lundie of that Ilk against to compear and testify as witnesses in the mater of his complaint against his uncle, Sir James Lundie, and also against the said Sir James himself; dated at Edinburgh, . . . July, 1634, and signed JA. PRYMROIS. On the margin there is noted the proceedings in

12th July 1634. Summons at the instance of John Lundie of that Ilk.

Council upon 17th Suly, when the parties submitted their differences to arbitration. (See *postea*, p. 647.) Miscellaneous Papers.

13th July 1634. Notes of two executions by James Moody, messenger, against David Anderson of Byres and others.

238. Notes of two executions by James Mwdy, messenger, on 13th July, 1634, of a summons in the complaint narrated *ante*, p. 323, against (1) David Andirsoune of Byris, Margaret Tassie, his mother, Thomas Allane and Ninian Hamiltoun, her servitors, all personally apprehended, to appear before the Council on 22nd July; witnesses, John Andirsoune in Balschagrie, John Andirsoune, son of the complainer, Andrew Mwrisoune, servitor to the goodman of Duchald, and John Lock in Meikle Govane; and (2) against Andrew Younger in Partick (this name deleted), James Crawfurd there *(p.)*, William Crawfurd in Meikle Govane *(p.)*, Thomas Rowand there *(p.)*, John Craig *(p.)*, John Hamiltoun *(p.)*, John Arthour *(p.)*, Thomas Hill *(p.)* John Drew and John Scott, as witnesses, all personally apprehended, before the same witnesses. On the back there is a scroll minute of the hearing of the case.

14th July 1634. Note of execution of summons at the instance of John Lundie of that Ilk against Mr. Patrick Lindsay of Wolmerston and others.

239. Note of execution of summons at the instance of John Lundie of that Ilk, on 14th July, 1634, by Alexander Johnstoun, messenger, against Mr Patrick Lyndsay of Wollmerstoun, personally apprehended, and also Mr William Scott, minister at Cupar, at his dwelling house there, to compear before the Council on 17th July instant, to testify what they know touching Sir James Lundie's behaviour in the trust concerning the estate of Lundie and the late Laird of Lundie's children; witnesses, Mr John Lyndsay, lawful son of the said Mr Patrick Alexander Bruntoun, servant at Wolmerstoun, witnesses at Cuper, James Litilljhone, servitor to David Andersone, common clerk in Cuper, and Thomas Johnstoun, the messenger's son.

14th July 1634. Summons at the instance of the magistrates of Linlithgow against Mr. Peter Kennowie of Kettlestoun, and others in connection with the mill of the said burgh.

240. Summons at the instance of the Provost, bailies and council of Linlithgow on a counter complaint by them against Mr Peter Kennowie of Ketlestoun, James, Mr Alexander and John Kennowie, his sons, James Mairshell, his servant, John Nemo, younger, in Dechmont, John Dick there, James Henrysone there, Andrew Nemo there, John Nemo, elder, there, John Ramsay, younger, there, James Johnstoune there, Peter Zett there, James Burd there, John Thomson there, Duncan Flemyng in Lochcoitts and Patrick Naper, servitor to Duncan Mure in Balsyde, for their compearance before the Council on 17th July. The complainers represent that they and their predecessors have been and are in possession of their burgh mill, with the damheads and water gangs thereof, and have been in use every summer yearly of cleansing their dams and damheads from all sand and other things that would impede the flow of the water to their mill. On 26th June last, the persons above named and others came to the complainers' said mill, and

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"maliciouslie threw and kuist threttie turse of whinns in thair water gangs with a great nomber of hudge and great stones thairupon," thereby interrupting the passage of the water, and that of purpose "to have sandit thair damme and to have dimolished and castin doun thair damme heid to the great hurt of our said burgh, the said mylne being the best part of thair common good." On getting information of what had been done some few of the council went out to see what was going on, peaceably and quietly, and to make civil interruption, which they did, and the said James, Mr Alexander and John Kennowie, being present, seemed content therewith and that the matter should be composed between them by friends and neutral parties. [Here the document is much torn and parts are wanting, but from what is left it appears that] Mr Peter Kennowie, having been sent for, declared he would have the matter settled by law. And that same night he went to their mill and water gang and threw the whole foresaid stuff in. When, on the 11th instant, the complainers went to clear their water gangs, James Mairshell, "with ane weedoke in his hand," threatened the men thus employed with many fearful oaths; and when the burgh treasurer called for Mr Andrew Ke[nowie] to witness how that they were interrupted from "redding," the said Mr Andrew "dispytefullie strake him upon the face, threw his mout . . . . . be the gorget, and to have suffocat him. And whereas William Smith and Robert . . . . . the toun, prest to had aff the saids James Mairshell and James Kennowie, they str . . . . . docke, gave thame a nomber of straiks upon thair heads and bodies to the effusioun of thair [blood" . . . . Charge is also to be given to James Kae of Corslottis, ... James Broun there, Henry Mack there, Robert Quhyt there, ... and William Liverance, younger, his son, to compear as witnesses in the matter. Dated at Edinburgh, 14th July, 1634, and signed JA: PRYMROIS. On the margin is noted the hearing of the case on 17th July, and its reference to the Marquis of Hamilton.

240. Note of seven executions by Patrick Strachone, messenger, in the action at the instance of Mr William Clogie, minister at Invernes, and the provost and bailies thereof, against John Rid, narrated *ante*, p. 342; (1) On 14th July against Donald Fraser in Kinmyllies, William Cuthbert . . . . of Innernes, and William Steinesone, burgess there, all personally apprehended, to appear before the Council on 29th July, witnesses, ... Bayne M°Ane Chyll and Andrew M°Baine, his son, burgesses of Innernes; (2), On the same day against Andrew Fraser . . . . (torn) . . . . witnesses, Alexander Gresone . . . . . ; (3) on the same day against John . . . . . at his dwelling house where Sarah Cuming "his pair" . . . . . witnesses, Alexander Greisone, younger, and Alexander . . . . tailor in Innerness, John M°Millar there, and James Cuthbert, younger; (4) On the same day at the market cross of [Innernes]

14th and 15th July 1634. Note of seven executions by Patrick Strachan, messenger, at the instance of Mr. William Clogie, minister at Inverness, and the magistrates of that burgh against Donald Fraser in Kynmyllies and others.

against Andrew Fraser, commissary of Innernes, and John Reid, witnesses, John Cumming and Thomas Waus, burgesses of Innernes; (5) On 15th July against John Dunbar, Hemprigges; witnesses, James Ross, servitor to John Andersone, . . . ; (6) On the same day at the market cross of Forres against . . . . , witnesses, James Dunbar of Bogges, and James Ross, servitor to John Andersone, messenger; and (7) On the same day against Alexander Taillzour, burgess of Innernes, Donald McAne McAndrow there, Thomas Murray . . . . . Cuming, burgess there, William McConchie, burgess there, David Cuming there, Alexander Greisone there, William . . . . and James Gray, burgess there, as witnesses, all to appear before the Council, witnesses, Alexander McVillar and Alexander Grisone, elder. On the back is a scroll of the decision of the Lords in the case. Miscellaneous Papers.

15th July 1634. Patrick Edmondston of Wolmet against Mr. James Raith of Edmonston.

241. Extract Decreet of Council of 15th July, 1634, in the action by Patrick Edmestoun of Wolmet against Mr James Raith of Edmestoun. [Unsigned.]

15th July 1634. Supplication by John Tosheoch, and note of execution against Mr. James Farquharson.

242. Supplication by John Tocheoche, as narrated *ante*, p. 317. [On the back] " . . . . *decimo* Julij, 1634. . . . . Mr James Ferquharsone to be wairnit. GEO: CANCELL. I.P.D." Also note of execution by Mr William Dowglas, macer, on 15th July, 1634, against Mr James Ferquharson, personally apprehended, to appear before the Council this same day; witnesses, Mr Thomas Nicolsone, younger, advocate, and Harie Osburne, writer in Edinburgh. On the margin is noted the hearing of the case the said day.

15th July 1634. Supplication by John, Earl of Rothes, and others anent the late Captain Robertson and the Hamburghers.

243. Supplication by John, Earl of Rothes, Sir David Crichtoun of Lugtoun, Sir George Hamiltoun of Blaikburne, Andrew Ainslie and George Arnot, merchants, burgesses of Edinburgh, and Alexander Cowane, burgess of Stirline, as follows:—In terms of their Lordships' ordinance they have equipped a gentleman as their commissioner to go to Hamburgh and prosecute their claim against Captain Utenhold and Captain Longue for the cruel and barbarous slaughter, depredation and spoliation committed by them upon the late Captain Robertsone and his company and ships, to the dishonour of the country and great loss and prejudice of the supplicants, not only through the loss of these persons and ship and goods but the expense of prosecuting this matter at Court and otherwise. If the hearing which is now to be granted is protracted the loss will be still greater, and they therefore crave from their Lordships a letter to the States to press them to give the supplicants fair and speedy justice. [On the back] "*Apud* Edinburgh, *decimo quinto Julij*, 1634. The Lords ordains letters of recommendatioun to be drawin up in favours of the supplicants to the Senate of Hamburg recommending the supplicants and thair caus to the said Senate in

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generall termes, and remitting the particulars of the caus to the relatioun of the supplicants commissioner. GEO: CANCELLS, I.P.D."

244. Extract of the Decreet of the Lords on 15th July in the case of John Toshoch, printed *ante*, p. 317. 15th July 1634. John Toshoch.

245. Copy of the Decreet of the Lords dated 15th July, 1634, in the case of John Robertsone of Blettone and others, as narrated *ante* p. 317. 15th July 1634. John Robertson of Bletton and others.

246. Supplication by John Dumbar of Moynes and Robert Dumbar, apparent thereof, as narrated *ante*, p. 317. [On the back]. ". . (torn) . . . . *Julij*, 1634. The Lords, upon considerable occasions moving thame, grants protectioun to the supplicants thair persouns unto Martymes nixt, reserving alwayes libertie to thameselffes to recall the same at the instance and upoun the complaint of pairtyis the supplicants being first lawfullie wairnit thairto. GEO: CANCELL^{R}., MORTON, GLASGOW, ERROLL, WINTOUN, KINGORNE." 15th July 1634. Supplication by John Dunbar of Moynes, and Robert Dunbar, his heir, for protection.

247. Certificate by Mr James Sharpe, minister at Govan, to the Lords of Council that Margaret Tasi in the parish of Govan is unable to travel either on horse or foot on account of her age and other infirmities, without endangering her life. Signed at Govan, 16th July, 1634, by the said minister and William Craufurd, elder, Steven Pawan, elder, and John Maxwell, elder. 16th July 1634. Certificate by Mr. James Sharpe, minister at Govan, anent Margaret Tasi in the said parish.

248. Summons at the instance of Sir William Dowglas of Cashogill against Mr George Dowglas of Penzerie, as narrated *ante*, p. 344; dated July, 1634. [The deed is much mutilated and wasted.] On the margin is noted a scroll of the hearing of the case, and on the back this is continued; where there are also three notes of executions of the summons— (1) On 18th July by John Norwell, messenger, against Mr George Dowglas of Penerie and Andrew Dalrumpil, wright, and Isobel Ramsay, his spouse, all personally apprehended, to appear before the Council on 29th July instant; witnesses, William Herreis, indweller in Edinburgh, Walter Herreis of Knockinschenache, and Mr Thomas Gray, indweller in Edinburgh; (2) On 21st July, by Alexander Gibsone, messenger, against Elizabeth Johnstoun, Robert Pooll, her son, and Mr Thomas Ramsay, now her spouse, as above; witnesses, William Hamiltoun, notary, and Herbert . . . [torn] . . . merchant burgess of Dumfreis: and (3) On 22nd July by Thomas Black, messenger, against John Menzeis of Castellhill, to the same effect; witnesses, Robert Kennedie, lawful son of William Kennedie in Cottenhous, and another [name illegible and torn] in Inglistoun. c 16th July 1634. Summons at the instance of Sir William Douglas of Cashogill against Mr. George Douglas of Penzerie. Note of three executions.

16th and 17th July 1634. Note of four executions of summons in the action between Mr Peter Kennowie and the town of Linlithgow.

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249. Note of four executions of summons in the action between Mr Peter Kennowie and the town of Linlithgow, narrated *ante*, p. 320. (1) On 16th July, 1634, by William Leverence, messenger, against Mr Peter Kennowie of Kettelstoune *(p.)*, James *(p.)* and John *(ab.)* Kennowie, his sons, at their dwelling place, . . . sone, at his dwelling house in Northbanck, James Merschell *(p.)*, servant to . . . . John Nemo, younger in Deachmount *(p.)*, John Dick there *(p.)*, James Hend . . . . , also Andrew Nemo in Deachmont *(p.)*, John Nemo *(p.)*, elder there, John Ramsay *(ab.)*, younger there, James . . . . . Buirde *(p.)*, there, John Thomsone *(ab.)*, there, and Duncan Flemeing in Loichvittis, to compear before the Council on 17th July instant; and also at the market cross of Linlithgow on the same day against the said Mr Peter Kennowie, James, Mr Alexander and John, his sons, James Merschell, his servant, John Nemo, younger, John Dick, James . . . . ; witnesses, Thomas, Gildow in Linlithgow, James and Henry Broun in Deachmount, William Leverance, son of the messenger, William Inglis, merchant, John Borthuick and Thomas Duchell, town officers, and John Glen, merchant, burgess of Linlithgow: (2) On the same day by the same messenger, against James Kae of Crocelattis *(ab.)*, Richard Balderstoune *(ab.)*, James Eistoun *(p.)*, James Broun *(p.)*, Henry Mak *(p.)*, Robert Quhyte *(p.)*, and Robert Bell *(p.)*, as witnesses, to compear as above; witnesses, Henry Cuper and William Leverence, younger: (3) On 17th July, 1634, by the same messenger, against . . . . . in Bailsyde; witnesses . . . Borthuick in Linlithgow and William Leverence, younger; and (4) On 17th July, 1634, by William Hendersone, messenger, against William Leverence, notary *(p.)*, and William Leverence, younger, his son, as witnesses, to compear as above; witnesses, Mr Alexander Cumyng, advocate, and Mr John Wardlaw in Libertoune.

17th July 1634. Supplication by Mr. Alexander Skene for protection.

250. Supplication by Mr Alexander Skeene for a protection, as narrated *ante*, p. 322. [On the back] "*Apud* Edinburgh, 17 July, 1634. *Fiat ut petitur* for considerable respects till Martymes nixt. GEO. CANCELL^{R}., MORTON, GLASGOW, ERROLL, WIGTOUN, KINGORNE, ANNANDAILL, TRAQUAIRE."

17th July 1634. Mr. Alexandor Skene.

251. Extract Act of the Council in favour of Mr Alexander Skene, printed *ante*, p. 322. Extracted and signed by JACOBUS PRYMROIS.

17th July 1634. Anent the dispute between John Lundie of that Ilk and Sir John Lundie, knight.

252. Submission in presence of the Lords of Secret Council at Edinburgh on 17th July, 1634, by John Lundie of that Ilk, on the one part, and Sir James Lundie, knight, his uncle, on the other part, both compearing personally, of the matters referred by the petition of the said John Lundy to his Majesty concerning the proceedings and behaviour of the said Sir James to him and his brothers since the death of the Laird of Lundie, their father, to the arbitration of Mr Thomas Nicolsone, elder,

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advocate, and Mr Alexander Gibsone of Durie, chosen by the said John Lundie, and to Mr David Prymerose, advocate, and John Gibson, one of the clerks of Session, chosen by the said Sir James Lundie, and they craved that in the event of their disagreement their Lordships would make choice of an oversman. The parties promise to abide by the decision of these judges; and the Lords ordain all of them to appear before them on the 29th July instant and report their proceedings.

253. Supplication by James Spence, merchant burgess of Edinburgh, narrated *ante*, p. 328, craving the citation of William Thomesone. [On the back] "*Apud* Edinburgh *decimo septimo Julij*, 1634, *Fiat ut petitur*, GLASGOW." Also note of citation by Mr William Dowglas, macer, on 22nd July of the said William Thomesone, personally apprehended, to compear before the Council the said day; witnesses, John Farholme and John Binning, merchants in Edinburgh. On the margin there is noted the compearance of the parties on 22nd July, when the Lords continued their protection to James Spence till the 29th (Tuesday next) provided he appeared on Thursday with the auditors and made report of his diligence since his last protection; also the finding of the Lords on the 24th July.

17th July 1634. Supplication by James Spence, merchant burgess of Edinburgh, for the citation of William Thomson, and note of citation against the said William.

254. Note of Execution by George Ker, messenger, on 17th July, 1634, against Robert Scott [of Dryhope] . . . . . [Cock]burne of Henderland and Andrew Scott of Howdene, all personally apprehended, and also at the market cross of the burgh of Selkirk, to compear before the Council on 22nd July; witnesses to the charging of Dryhope and Henderland, James Hecfurd, burgess of Pebles, and Thomas Pringill, tailor there, to the charging of Andrew Scott, Walter Scott, brother to Dryhope, and Robert Ogilvie, messenger in Jedburgh; and to the charging at the market cross, James Murray and Mr William Wilson, messengers, burgesses of Selkirk.

17th July 1634. Note of execution against Robert Scott of Dryhope and others.

255. Supplication by the provost, bailies, and Council of Aberdein in reference to the calsey of Cowiemont, as narrated *ante*, p. 322. [On the back] "*Apud* Edinburgh, *decimo septimo Julij*, 1634. *Fiat ut petitur*, the supplicants alwayes upholding and interteaning the worke during the yeares of the commissioun. GEO: CANCELLS, I.P.D."

17th July 1634. Anent the causeway of Cowiemont.

256. Extract of the Decreet of the Lords of Council in regard to the supplication of the burgh of Aberdeen about the causeway of Cowiemont, as narrated *ante*, p 322. [Much mutilated.]

17th [July 1634]. The causeway of Cowiemont.

257. Supplication by Fergus [Grahame] of Blaatwod, for an extension of his protection, as narrated *ante*, p. 322. On the back [date, etc., torn away] there is noted the decree of the Lords signed by GEO: CANCELL^{R}., [17th July 1634.] Supplication by Fergus

Grahame of Blaetwood for extension of his protection.

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c 17th July 1634. Supplication by James Crawford, goldsmith, burgess of Edinburgh, for the citation of James and Robert Pearson before the Council.

258. Supplication by James Crawfurd, goldsmith, burgess of Edinburgh, as follows:—James and Robert Peirson have long pursued an unjust action against him and instead of taking true trial have stolen advantages against him under protestations. On , 1632, while he was in the Court of Session producing witnesses against them, they seized upon him and with cruel treatment carried him to ward. The Lords of Session, however, after trial of the circumstances, put him at liberty, finding "the place to be asylum and frie girth in respect of the privilege of the hous of justice." and farther ordained him to complain to their Lordships of the riot. Again, on Saturday afternoon . . . when he was in the "Laich Counsall hous, quhilk is ane place of frie girth" . . . . awaiting the expeding of the gifts of their escheats in his favour, the said James, in contempt of the house of justice, with a number of the town officers, came and ceased on him, harled him by the hair of his head to have dragged him to high ward, "dang and . . . . . ruff and my hat fra me," and notwithstanding that their Lordships had granted their escheats to the supplicant. He therefore craves that the said James Peirson and witnesses be cited before the Council. [On the back]—torn away except "*Julij*, 1634—*Fiat.*" Also notes of two executions of citation by James Dowglas, macer, on 16th July (1) against James Peirsoune, personally apprehended at the chamber in Edinburgh of Hew Tod, writer, his master, in presence of the said Hew Tod and Gavin Smaill in Edinburgh: and (2) on 17th July, against Mr Samuel Gray, John Dunlop, Andrew Darling, Magnus Mowat and William Gemmell, all personally apprehended in Edinburgh, as witnesses, to appear before the Council on this present 17th of July; witnesses, Alexander Maxwell and Mark Hamilton, macers.

18th July 1634. Note of execution at the instance of the Earl of Wigtown against Thomas Porteous in Glenkirk.

259. Note of execution by James Grahame, messenger, on 18th July, 1634, of summons at the instance of John, Earl of Wigtoun, and Sir Thomas Hoipe, his Majesty's Advocate, against Thomas Porteous in Glenkirk, to appear before the Council; witnesses, Andrew Hay, writer in Edinburgh, and George Gray, his servitor.

19th July 1634. Certificate by Mr. James Sharpe, minister at Govan, in favour of Andrew Younger of the said parish.

260. Certificate by Mr James Sharpe, minister at Govan, of the inability of Andrew Younger, parishioner of Govan, to travel without endangering his health, he being now seventy-eight years of age, as by his oath he has declared in presence of the said ministers and these elders of the parish who also sign, viz.:—Stevin Rawan *(de mandato)*, John Rollok, elder, John Maxvel, elder.

19th July 1634. 261. Summons at the instance of the farmers of the Customs and

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John Simson, messenger in Dysart, against William Williamesone in Kirkaldie, &c., as narrated *ante*, p. 345; dated 19th July, 1634, and signed JA: PRYMROIS. On the margin is noted the compearance of parties on 1st August. [Much mutilated.]

Summons at the instance of the farmers of the customs against William Williamson in Kirkcaldy.

262. Summons directed to Laurence Buriall, messenger, at the instance of James Rodger and Alexander Smart, tenants in the lands of Balbrekie, as narrated *ante*, p. 345; for citing Robert Durie of Easter Newtoun and others to appear before the Council on 29th July instant; dated at Edinburgh, 19th July, 1634, and signed JA: PRYMROIS. On the margin is noted the hearing of the case on 1st August; and a fuller scroll of the decreet is written on the back.

19th July 1634. Summons against Robert Durie of Easter Newton.

263. Note of two executions of Summons by Alexander Gibson, messenger, in the action at the instance of Elspet Maisson, narrated *ante*, p. 347. (1) On 19th July, 1634, against John Maxwell of Castelmilk, at his dwelling place of Castelmilk, and also at the market cross of Lochmaben, to appear before the Council on 29th July; witnesses, John Armestrang, messenger, and John Jonstoun, son to James Jonstoun in Castelhill, of the Water of Milk, also William Torrance, and Christopher Lieitche, burgesses of Lochmaben; and (2) On 22d July, 1634, against Robert Greirsone of Barjarg, at his dwelling place of Barjarg and at the market cross of Dumfreis, to appear as above; John Makgube, servitor to Sara Broun, goodwife of Barjarg, elder, and James Younger there; also Herbert Moriesone, merchant, and James Young, chirurgeon. burgesses of Dumfreis. On the back is a scroll of the decreet of the Lords in the case.

19th and 22nd July 1634. Note of two executions at the instance of Elspet Mason.

264 Note of two executions on 20th July, 1634, by [Thomas] Moffat, messenger, at the instance of John, Earl of Wigtoun, and others, (1) against . . . . . Cosser, personally apprehended, in presence of Mr Robert Johnestone, minister at Glenquhome, Robert Creichtoun of Quarter and Andrew Aitkyne in Westraw of Biggar; and (2) against Walter Scott in Glenkirk *(ad.)*, Robert Porteous there *(ad.)*, Adam Brydane there *(ad.)*, Adam Bigholme there *(ad.)*, John Boe of Stane *(ad.)*, John Broun in Edmestoun *(ad.)* and William Penman there *(ad.)*, all personally apprehended, to appear as witnesses before the Council; witnesses to the second charge the said Robert Creichtoun of Quarter, James Creichtoun, his brother, and the said Andrew Aitkyne in Westraw of Biggar.

20th July 1634. Note of two executions at the instance of John, Earl of Wigtown, and others.

265. Supplication by John Lundie of that Ilk, as follows:—In the matters in dispute between Sir James Lundie, his uncle, and the supplicant, their Lordships had directed them to submit the matter judicially to arbitration, but there is nothing done herein upon the pretence of the

20th July 1634. Supplication by John Lundie of that Ilk anent his dis-

pute with Sir James Lundie, his uncle.

point of the oversman, the design of Sir James being only to protract and delay the matter. The supplicant accordingly craves that their Lordships would cause Sir James to be cited before them to see effect given to the submission, etc. [The docquet is torn and destroyed, but on the back also there is] Note of execution of charge on . . . . July, 1634, by Mr William Dowglas, macer, against Sir James Lundie, personally apprehended, to appear before the Council on 22nd July instant; witnesses, Walter Paterson, writer in Edinburgh, and James Quhyte, son to Arthur Quhyte, writer there. On the margin is noted "22 July, 1634; parties personalie. Sir James nominat Southesk, Durye and the Advocat for oversmen, and declared that before the morne at tuelff of the cloke he sould condiscend upoun one of these three to be the oversman, quhairunto the Laird of Lundye consented. The Lords ordains the submissioun to be drawne up with a blank for the name of the oversman to be filled be Sir James and with a blank for the tyme within the whiche the arbitratouris or ouersman sall determine to be filled up be the Counsaill upon" . . . . [torn] . . . . Miscellaneous Papers.

21st July 1634. Summons at the instance of David Bennet, notary, against Alexander Law and William Williamson, burgesses of Kirkcaldy.

266. Summons directed to Mr John Murray, messenger, at the instance of David Bennet, notary in Kirkcaldie, and customer there, narrating that he recovered a decree before the Court of High Commission of the Kirk against Alexander Law and William Williamsone, burgesses of Kirkaldie, and thereupon a decree from the Lords of Privy Council themselves to charge Mr Robert Dowglas and Mr James Simsoun, ministers at Kirkaldie, to pass to the said Alexander Law and William Williamsone and require them to make their address to the Kirk of Kirkaldie "upon ane Sunday after the afternoons preaching before the skailling of the kirk and there to confess thair slandering of the compleaner." He caused charge Law and Williamsone to obey the said decree upon the Sunday appointed by the said ministers, but these persons on frivolous grounds have procured suspension of the charge to a day now long since past, and then as now they refrain from discussing the same. Charge is accordingly to be given to Law and Williamsone and the two ministers to appear before the Council on . . . . , dated at Edinburgh, 21st July, 1634, and signed JA: PRYMROIS. On the margin is noted "*Primo Augusti*, 1634. Persewers personallie; the bailleis also personallie; who tooke the first Counsell day of *Junij* nixt betuix and quhilk tyme they would prove the cryme quhairupoun the alledgit scandall is grounded and actit thame selffis if betuix and that tyme they succumbed that not onlie they sall fulfill the decreit of the Commissioun bot underly suche forder punishement as the Consell sall prescryve."

22nd July 1634. Supplication

267. Supplication by Thomas Broun of Netheryeit against John Broun of Lochhill, as narrated *ante*, p. 324; [On the back] "*Apud* Edin-

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burgh, 22 July, 1634. *Fiat ut petitur* Hadinton." Also a short note of the decreet of the Lords in the matter. by Thomas Broun of Netheryeit against John Broun of Lochhill.

268. Supplication by Henry Levingstoun of , as follows:— Alexander Levingstoun of Greenyards, his brother, has obtained a protection from their Lordships to enable him to satisfy his creditors. He is his said brother's cautioner in all his burdens and must therefore cooperate with him, but dare not remain in this burgh without a protection, which accordingly he craves. [On the back] "*Apud* Edinburgh, 22 July, 1634. *Fiat ut petitur* for the tyme granted to his brother. MORTON, GLASGOW, WINTOUN." 22nd July 1634. Supplication by Henry Livingston for protection.

269. Note of execution by Thomas Allane, messenger, on 22nd July, 1634, against Donald McAlester and Finlay Gowrie, both personally apprehended, to appear before the Council as witnesses in a case; witnesses, Thomas Grant, tutor of Carrowne, and William Nairn. On the paper there are also the names James Finlay and George Stronoch. 22nd July 1634. Note of execution against Donald M'Alaster and Finlay Gowrie.

270. Supplication by Mr James Ferquharsoun, W.S., anent John Toshoche, as narrated *ante*, p. 325. On the back is noted on 22nd July, 1634, the finding of the Lords as there narrated, which is signed by HAMILTON, HADINTON, MORTON, WIGTOUN, ROXBURGHE, ANNANDAILL, SOUTHESK, and BINNING. 22nd July 1634. Supplication by Mr. James Farquharson, W.S., anent John Toshoch.

271. Supplication by Alexander . . . (torn) . . . narrating that his friends who were entrusted with his estate in his absence had upon a false surmise of his imprisonment abused the trust reposed in them and converted the same to their own use. He had complained to his Majesty, who has recommended to their Lordships to assist him in recovery. Sir George Johnstone [of Caskiben] is the special man who has wronged him, and he therefore craves their Lordships to cite him before them. [The docquet on the back is torn away and destroyed, but there is a] note of execution of the citation on the "said" day by Mr William Dowglas, macer, against the said Sir George Johnstoun of Caskeben, personally apprehended, to appear before the Council on 22nd July instant; witnesses, James Dowglas, macer, and John Dowglas, his servitor. On the margin is noted "22 July, 1634, persewair personalie; defendair personalie with Mr William Forbes, advocat, his proloquutour. The Lords desyrit the Bishop of Ross frome thame and in thair names to recommend to the Lords of Sessioun the speedie dispatche of justice in any mater depending before them concerning the said said . . . . Forbes." 22nd July 1634. Supplication for the citation of Sir George Johnstone of Caskiben before the Council.

272. Note of execution on 23rd July, 1634, by Thomas Allane, messenger, against William Williamesone, John Thomesone, James 23rd July 1634. Note of execution against

William Williamson and others, all in Dysart.

Gilmour, William Hillok, Thomas Aitken, David Lillie and Andrew Johnstone, all personally apprehended, and Mitchell Thomesone and Thomas Boswell, at their dwelling places in Dysart, to appear before the Council on 29th July instant, the most part of them as witnesses. The witnesses to the service were William Wilsone in Kirkcaldy, Thomas Meassone . . . . . in Dysart.

24th July 1634. Supplication by Alexander Hamilton, son of Sir Alexander Hamilton.

273. Supplication by Alexander Hamilton, son of Sir Alexander Hamilton of Lawfeild, as narrated *ante*, p. 331. [On the back] "*Apud* Edinburgh, 24 July, 1634. *Fiat ut petitur* to the first of November. MORTON, GLASGOW, WINTOUN."

24th July 1634. Supplication by John Brown of Lochhill, in ward on account of his religion, that he may be allowed his liberty and to leave the country.—Granted.

274. Supplication by John Broun of Lochhill, as follows:—He was under caution to compear before their Lordships for religion, and obtained their protection for civil causes, under cover of which he compeared on 12th June last in obedience to their Lordships' citation, and was by their order imprisoned in the tolbooth of Edinburgh, where he has since lain in great misery for want. He has no means to sustain his natural life and no creature to attend to him, his wife being in Ingland, and his eight children at home, distant some sixty miles from this, for the most part not able to do for themselves, much less for him. Others who were questioned for their religion and imprisoned have been relieved, and he has now been incarcerated five weeks, during which some of his creditors have obtained decrees against him and others intend doing so, and so design to arrest him there in violation of their Lordships' protection and the practice of the kingdom, as he appeared before their Lordships under protection and only for religion. He entreats their Lordships, "even for the tender mercies of Jesus Christ, to releve me out of this prisone under your Lordships protection, as I cam heir, and I shall willinglie depart the contrie at what tyme your Lordships ordanes me." But, if they are to detain him, or suffer others to do so, he begs that they will "for Gods cause allow me some meenes to mantane my naturall lyf heir and suffer not a Christian to be sterved to death by your Lordships imprisonment, cheiflie a man not culpable or chalenged for any capitall cryme." [On the back] "*Apud* Edinburgh, 24 July, [1634]. The Lords ordains the supplicant to be put to libertie, he acting himselfe in the bookes of Privie Counsell that betuix and the first day of October nixt he sall depart furth of the countrie and not returne agane within the same without his Majesteis licence, under the pane of infamie, perjurie and defamatioun; and in the meane tyme till his departure that he sall behave himselfe without offence or scandall to the Kirk, with certificatioun to him if he failyie in the premises that it sall be lawfull to all his Majesteis officers and magistrats to apprehend him and committ him to waird, and that he sall be repute and esteemed ane infamous and perjured persoun. HADINTON."

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275. Supplication by John Logan, merchant burgess of Edinburgh, against Robert Logan, as narrated *ante*, p. 346. [On the back] . . . (torn) . . . . ordaines ane maisser of C . . . . . wairne the defenders, baillies of the Cann . . . . . maner and to the effect within written. AD. B. OF DUNBLANE." Also notes of two executions of summons by James Douglas, macer, on 24th July, 1634, (1) against [Robert Logan] at his dwelling house, a copy of the summons being given to his wife, Elspeth Mathesone, and also against James Wilkie, bailie of the Cannogait, personally apprehended; witnesses, John Seytoun, baker in the Cannogait, and George Thomsone, tailor there: and (2) against George Kilgour, tailor in the Cannogait, Walter Young, James Aitkin and William Watteris in Edinburgh as witnesses. There is also a note of the hearing of the case on 1st August. 24th July 1634. Supplication by John Logan, merchant burgess in Edinburgh, against Robert Logan. Notes of two executions against Robert Logan and others.

276. Summons directed to Andrew Howlatsone, messenger, at the instance of Sir Alexander Nisbet of that Ilk and Rentoun, to charge Sir John Home of Blacader and others, as narrated *ante*, p. 345; to compear before the Council on 31st July; dated at Edinburgh, 24th July, 1634, and signed JA: PRYMROIS. On the margin is noted the hearing of the case on 1st August 1634. 24th July 1634. Summons against Sir John Home of Blackadder at the instance of Sir Alexander Nisbet of that Ilk.

277. Part of the decreet in the action by James Spence against William Thomsone, narrated *ante*, p. 328. A scroll undated and somewhat mutilated. [24th July 1634.] James Spence and William Thompson.

278. Fragment of summons in the action by Mr James Watson, portioner of Sauchtoun, against John Blackadder of Tulliallan, narrated *ante* p. 351; dated 25th July and signed Ja. Prymrois. Noted at foot—"To compeir the 29 Jully instant"; and on the margin, a scroll of the proceedings at the hearing of the case. 25th July 1634. Summons against John Blackadder of Tulliallan.

279. Summons at the instance of Andrew, Bishop of Galloway, Abbot of Tungland, charging the feuars, tacksmen, and pensioners of the abbacie of Tungland to pay to him for his relief of the second term's payment of the taxation granted to the Lords of Session in June, 1633, the following sums, viz.:—John, Viscount of Kenmure, for the land of Dunop, £3 2s. 3d.; and for his lands of Tungland, £37 9s. 3d.; David Arnot, for his lands of Barkeapill, 53s. 4d.; the Earl of Nidsdaill for his lands of Cargane, £6 13s. 4d.; John, Viscount of Kenmure, for his teinds of Dunop, 25s.; David Arnot for his teinds of Barkeapill, 24s. 3d.; for his teinds of Over Curquha, 25s.; the said Viscount and Robert Shennane for their teinds of Barrendane, 23s. 7d.; for his (*sic*) teinds of Manns and Tungland, 58s. 4d.; John McCartney and John McGowne for their teinds of Over Grenane, 31s. 8d.; John Gordon for his 26th July 1634. Summons at the instance of Andrew, Bishop of Galloway, Abbot of Tungland, charging the feuars, tacksmen, and pensioners of the abbacy of Tungland to pay certain sums due to him.

teinds of Beauche, 19s. 4d.; John and Robert Shenans for their teinds of Barnecrosh, 25s.; Robert McClellan of Nuntoun for his teinds of Nether Curquha, 25s.; John McCalloun and Marion Law for their teinds of Nether Barkeaple, 25s.; William Gordon of Kirkconnell for his teinds of Larmanoche and Barlenane, 23s.3d.; John, Viscount of Kenmure, for his teind of the kirk of Sennik, £4; Andrew Arnot for his vicarage teinds of the kirk of Tungland, 53s. 4d.; and Geddes for his pension paid out of the teind of Tracquair, 17s. 10d.. All are to be paid within twenty days after the charge if the persons be in the country, and, if forth thereof, within sixty days after they have been charged at the market cross of Edinburgh and pier and shore of Leith. The summons is dated at Edinburgh, 26th July, 1634, and signed Ja: Prymrois. At the foot there is noted "*Apud* Edinburgh *decimo quarto Januarii* j^{m}vj^{c} *trigesimo quinto*. Produceit be Alexander Ogilvie, wrytter, and registrat in the buikis of Counsall conforme to the Act of Parliament be me, Mr Alexander Kynneir, clerk depute to the Clerk of Register. (Signed) M^{r} Al. Kynneir." On the back there is a note of service on 19th September as narrated afterwards *sub dato*.

27th July 1634. Note of execution at the instance of James Rodger and Alexander Smart against Andrew Dury of Wester Newton and others.

280. Note of execution by Laurence Bureall, messenger, on 27th July, 1634, at the instance of James Rodger and Alexander Smart, as narrated *ante*, p. 346, against Andrew Durry of West[er Newton] *(ab.)*, . . . George Melvill in Wester Newton *(ab.)*, and George Craig, his servitor there *(ab.)*, also against Robert Durry, at the market cross of the burgh of Cupar in Fyff; likewise on the 26th and 27th July, against David Ramsay at the Brighowse of Lowgy, J. . . . Law in Edindowne, John Hamiltoun in Largou, George Beall at Lwndy Mill, to compear before the Council for proving the property of the lands of Balrikie; and also against Crispine Swyn in Pirne, George Willson at Camron Mill, William Pittillok and Thomas Hepburn, to compear for proving the riot; witnesses, Edward Newllands, burgess of Cuper, Symon Law in Edindowny, William Watson in the Hillsyd of Pitluowy, Symon Hamelton at Lwndy Mill, John Wilkie in Kennoquhy, James Pitkern in Treton, Thomas Morton in Cupar, Henry Landells in Killnux and Henry . . . . in Cupar.

c 27th July 1634. Letter of the Marquis of Huntly to Mr. James Farquharson, W.S., stating that he refuses to pay the expenses of John Toshe.

281. "Rycht traist freind, I persaif be your letter writtin to Letterfurie that the Lordis of his Majesteis Counsell wald urge me to pay for Toshe his expenses; quhilk I am not obleist to do, be reasone he wes not put to the tryell of ane assyis according to his Majesteis letters writtin to that effect. So lett the Lordis of his Majesteis counsell take suche course with him as they think expedient and wilbe ansuerable to his Majestie; for I will assure you I will pay non of his charges sen the day he wes absolved fra passing to ane assyis. Lykwayes I pray you be

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diligent and careful to sie my uther busines put to ane poynt, according to the informatione writtin to you be Letterfurie with this bearar, quhairto restis your assurit good freind." (Signed) "Huntlye"—[Addressed] "To my richt traist freind, Mr James Farquharsone, wreitter to his Majesteis Signet."

282. Note of execution on 28th July, 1634, by Jo. Murray, messenger, against Mr Robert Dowglas and Alexander Law, personally apprehended, and Mr James Simsone and William . . (torn) . . . at their dwelling houses, to appear before the Council on July next and answer to a complaint by David Bennet; witnesses, John Hoge, burgess of Kirkcaldie, George Bosuell of the West Milne of Kirkcaldie, and William Bennet there. 28th July 1634. Note of execution against Mr. Robert Douglas and Alexander Law.

283. Supplication by James Robertoun of Ernock and James Robertoun, fiar thereof, his son, for a protection, as narrated *ante*, p. 331. [On the back] "*Apud* Edinburgh, 29th July, 1634. *Fiat ut petitur* to the eight of Januair. MORTON, GLASGOW, WINTOUN, ROXBURGHE, ANNANDAILL." 29th July 1634. Supplication by James Robertson of Ernock and his son for protection.

284. Supplication by Alexander Bothwell of Newholme, as follows:—Their Lordships' protection granted to him expires on the last of this instant, and during its currency his late father took in hand the payment of the greatest part of his debts and would have completed the payment of all his creditors had not his death on Wednesday last prevented. His estate will now fall between the supplicant and his brother and there will be means not only for satisfying all debts but also for their own honourable maintenance. He therefore craves an extension of his protection. [On the back] " . . . . (torn) . . . . 9 July, 1634. *Fiat ut petitur* to the last of November. MORTON, GLASGOW, WINTOUN, ANNANDAILL." 29th (?) July 1634. Supplication by Alexander Bothwell of Newholm for protection.

285. Notarial instrument under the hand of William Clerk, Notary Public, dated at Tulliallan, 30th July, 1634, narrating that on the said day compeared John Malcum, Ross herald, and by virtue of letters of treason dated 10th July instant against Sir John Blacader of Tulliallan, demanded delivery of his house of Tulliallan. In the absence of Sir John full possession was given to him thereof by Dame Christian Graham, Lady Tulliallan, and the keys handed over, which keys and possession the said John Malcum placed in the hands of James Narne, merchant burgess of Edinburgh, as having right with some other merchants there from Mr David Falconer, advocate, purchaser of the said letters of treason. Thereafter the said James Narne placed Alexander Leash and James Wishet, depute servant to him and other merchants his partners, in the said house, with express command to keep 30th July 1634. Notarial instrument anent the taking possession of the house of Tulliallan in virtue of letters of treason against Sir John Blacader of Tulliallan.

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it safely to their behalf, as they would answer to him. Whereupon all parties asked instruments. These things were done within the hall of Tulliallan about 10 a.m.; witnesses James Blacader, eldest lawful son of the said Sir John, Patrick Blacader, brother german of the said Sir John, John Burne, servitor to the herald, and William Menzeis, servitor to the said James Narne.

30th July 1634. Note of execution against the Commissary of Inverness and Donald Fraser in Kinmyllies.

286. Note of execution on 30th July, 1634, by George Gordon, messenger, of summons at the instance of Mr William Clogie, minister at Innernes, and the provost and bailies of the said burgh against . . . (torn) . . . . Commissary of Innernes, and Donald Fraser in Kinmyllis, personally apprehended, to appear before the Council; witnesses, James Gordon, messenger, John Johnestoun and Walter Lindsay.

31st July 1634. Supplication by Thomas M'Clennan and William Maxwell anent John Clerk.

287. Supplication by Thomas M'Clennan of Collenie and William Maxwell, Constable of the Traive, as to John Clerk, narrated *ante*, p. 339. [On the back] "Apud Edinburgh, 31 July, 1634." Judgment as narrated formerly, signed, MORTON, I.P.D.

31st July 1634. Supplication by David, Bishop of Edinburgh.

288. Supplication by David, Bishop of Edinburgh, as to making up a stent roll of his lands of the bishopric, narrated *ante*, p. 340. [On the back] "*Apud* Edinburgh, xxxj July, 1634. *Fiat ut petitur.* MORTON I.P.D.," with draft finding of the Lords thereupon.

31st July 1634. Supplication by John, Bishop of Ross, anent the tax-roll of his diocese.

289. Supplication by John, Bishop of Ros, as follows:—In the taxation granted by the Estates to the Lords of Session in the late Parliament, the of September last was appointed to all prelates and beneficed persons for meeting with their vassals and setting down the taxed roll thereof for their relief. Owing to some points of his Majesty's service in which he was engaged, he could not keep that day, and now the 13th of August next is appointed for the making of the taxed rolls for the ordinary taxation granted to his Majesty, of which the first term's payment is due in November next, from keeping which day he will also be distracted by his Majesty's service; And whereas the Chanrellie of Ros is the place appointed by the said Act for making the roll of the bishopric of Ros, and the town of for making that of the Abbacy of Ferne, which is annexed to the said bishopric, he craves their Lordships in respect of the great distance between the places to appoint to him a new diet for the Abbacy of Ferne. [On the back] "*Apud* Edinburgh, xxxj July, 1634. *Fiat ut petitur.* MORTON, I.P.D."

31st July 1634. The water of Comnewar.

290. Supplication by Patrick M'Kie of Larg with reference to the bridge over the Water of Comnewar, narrated *ante*, p. 339. [On the back] " . . . (torn) . . . *ultimo Julij*, 1634. *Fiat ut petitur.* MORTON, I.P.D."

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291. Supplication by [Lawder of Bas] and Isobel Hepburn, his mother, for an extension of their protection, as narrated *ante*, p. 340. On the back is noted their Lordships' decision, signed by MORTON, HAMILTON, GLASGOW, WINTOUN, ANNANDAILL, LAUDERDAILL, NAPER. [31st July 1634.] Supplication by Lawder of Bass and his mother for protection.

292. Supplication by Mr Peter Kennowie of Ketlestoun against the magistrates of Linlithgow, as narrated *ante*, p. 338. On the back is the finding in the case as there given signed by MORTON I.P.D. 31st July 1634. Supplication by Mr. Peter Kennowie of Kettlestoun against the magistrates of Linlithgow.

293. Supplication by [Donald Frisell of] Keirmyllies and John Dumbar of Hemprigs, as follows:—In the complaint against them by the provost, bailies and council of Innerness there are two points admitted to their probation, (1) the taking of a horse which the said magistrates had arreisted from a stable by the said John Dumbar, and (2) Donald Frisell's alleged invasion of and threatening to kill the said provost. In these they allege they did no wrong, because the said horse was John Dumbar's own property and was not arreisted at the instance of any party for debt, and so was unlawfully interfered with by the said magistrates; and the said Donald Frisell only acted in self defence, after being "invadit and threatned be the said provest with a great rode or batton" with which otherwise he should have been put to some great disgrace. They crave warrant for summoning the following witnesses on their behalf, viz., Patrick Grant, apparent of Glenmoristoun, William Stevinsoun, burgess of Innernes, James Duff there, John Morison there, James Anderson there, Thomas Murray, burgess there, and Robert Waus, burgess there, to appear before the Council on 1st August (the following day). [On the back] "*Apud* Edinburgh, *ultimo die mensis Julij*, 1634. *Fiat ut petitur*. KINGORNE." Also note of execution of the summons on 1st August, 1634, by Archibald Torrie, messenger, against the whole persons above named as witnesses, to appear the same day before the Council, all personally apprehended; witnesses, Alexander Hay in Leith, Robert Dunbar in Tarras, John Portifield in Aikinway, John Skinnar in Pones, and William Dumbar, writer. 31st July 1634. Supplication by Donald Frisell of Keirmylleis and John Dunbar for the summons of witnesses in the complaint against them by the magistrates of Inverness.

294. Depositions of witnesses in the case of the Magistrates of Innerness against John Rid and others, as follows:—1st August, 1634, in presence of the Bishop of Dumblane, Lord Naper, Secretary, and Sir Robert Gordoun. 1st August 1634. Depositions of witnesses in the case of the magistrates of Inverness against John Reid and others.

Alexander Tailyeour, sworn, depones that he knows John Rid, and that the said John threatened to put a sword through the minister, trying first to draw his sword, and then his whinger, but the deponer prevented him.

Donald McEane McAndro, sworn, depones that he knows John Rid and the minister, and corroborates the previous witness.

Alexander Grison, sworn and purged of partial counsell, depones that

he knows Donald Fraser and the rest of the parties; that the provost and bailies arreisted the horse, and thereafter John Dumbar of Hemprigs came and, getting the key of the stable, took forth the said horse; also that he heard Donald Fraser threaten to "cleave the provest to the teeth and thrust his sword throw him, and thereafter minted to draw his sword and whinger and to have invadit the provest if he had not been stayed." Miscellaneous Papers.

John Cuming in Invernes, sworn, depones anent Donald Fraser with the previous witness.

David Cumming in Innernes depones that he knows the parties, and that Donald Fraser "threw the key out of the stablers hand and took furth the hors and mounted Johne Dumbar on the hors, and when the baillie challenged the horse that Johne Dumbar preast to ryde foule on him"; and depones as the previous witnesses as to Donald Fraser.

Thomas Murray, sworn, depones that he knows the parties, "and that he saw Hemprigs come out upon the hors and that the baillie desyred him to ryde faire, and he answered, who would clame the hors." As to Donald Fraser he depones with the previous witnesses, and that the Commissary was at the stable when John Rid was convoyed away by the Commissary's back yard.

William M°Condochie, sworn, depones that he knows the parties, and that he saw the horse come out of the close and heard the bailie desire John Dumbar to ride fair; depones also with the previous witnesses anent Donald Fraser's speeches and the convoying of John Rid. At the foot there is added a scroll note of the decree in the case.

1st August 1634. Supplication by Robert Stewart of Balleachan.

295. Supplication by Robert Stewart of Balleachan, Neil Stewart of Granich and others, as narrated *ante*, p. 347. [On the back] "*Apud* Edinburgh, *primo Augusti*, 1634. *Fiat ut petitur.* MORTON, I.P.D." Also note of the decreet of the Council.

[1st August 1634.] John Logan against his brother, Robert Logan.

296. Scroll decreet of the Lords in the case of John Logan against his brother, Robert Logan, as narrated *ante*, p. 346. Undated and mutilated.

[*c* 1st August 1634.] Copy of summons by Mr. John Darsei, burgess of Anstruther Wester, against Robert Alexander, Admiral Depute of Fife.

297. Copy of Summons by Mr John Darsei, burgess of Anstruther Wester, against Robert Alexander, Admiral depute of Feife, for illegal apprehension, as narrated *ante*, p. 346. The document is mutilated, with the date torn off; but on the back there is noted—"*Primo Augusti*, Robert Alexander, persewer; to whome admitts protestatioun."

1st August 1634. Copy of Protestation by Robert Alexander, Admiral Depute of Fife.

298. Copy of Protestation made by Robert Alexander, Admiral depute in Fife, as narrated *ante*, p. 346.

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299. Supplication by [James] Crichtoune of Frendraucht for a commission against marauders on his lands, as narrated *ante*, p. 350; with the decision of their Lordships upon the back, signed by MORTON, HADINTON, HAMILTON, GLASGOW, KINGORNE and ANNANDAILL. [4th August 1634.] Supplication by James Crichton of Frendraught for a commission against marauders on his lands.

300. Paper narrating the reference of the nature of the satisfaction to be given by Donald Fraser in Killmyllies to Duncan Forbes, provost of Innernes, and the settlement of all other disputes arising from the riot complained of, to John, Bishop of Murray, and report being made of any person concerned being refractory, letters are to be raised against them before 15th September next. [*c* 6th August 1634.] Case of Donald Fraser in Kilmyllies and the magistrates of Inverness.

301. Information for Katharine Mosman, widow of James Nisbet, burgess of Paisley, against Allan Lockhart, one of the bailies of Paisley, as narrated *ante*, p. 366. On the back of this paper is a scroll of the Act of Council on 8th July, 1634, in the case of James Spence, as given *ante*, p. 300. *c* 17th September 1634. Katharine Nisbet against Allan Lockhart, one of the bailies of Paisley.

302. Note of execution on 19th September, 1634, by James Grahame, messenger, of summons at the instance of Andrew, Bishop of Galloway, against his feuars, &c., of the Abbacie of Tungland, as narrated *ante*, p. 651; at the market cross of Edinburgh, pier and shore of Leith, against Robert, Earl of Niddisdaile, who is presently out of the realm, for payment of £6 13s. 4d. as the second term's taxation of his lands of Cargein; witnesses, John Broune, and John Johnstoune, posts in Edinburgh, James Broun in Leith and Andrew Huchtoune, writer there. And because the said Earl neglected to obey the same the said messenger on 9th January, 1635, passed to the market cross of Edinburgh, because the said Earl is presently out of the realm, and after three oyeses, denounced the said Earl his Majesty's rebel and put him to the horn "be thrie blasts of my horne as use is"; and ordained all his moveable goods to be escheated for his contempt; witnesses, James Mershell, messenger in Edinburgh, and William Lynsay, post there. At the foot it is noted that the foregoing was produced and registered at Edinburgh on 14th January, 1635, by Mr Al. Kynneir. 19th September 1634. Note of execution of summons at the instance of Andrew, Bishop of Galloway, against his feuars, etc., of the Abbacyof Tungland.

303. Discharge by James Davidsoun, present jailor of the Cannogait, and John Davidsoun, late jailor there, to James Prymrois, Clerk of the Privy Council, the former for £120, and the latter for £60, part of a sum of £300 lodged in his hands by Robert Logane, merchant burgess of Edinburgh, as payment for the expenses of John Logane, his brother, while a prisoner in the tolbooth of the Cannogait in terms of decreet, *ante*, p. 368; dated at Edinburgh, 22nd September, 1634; witnesses, Archibald Dowglas, servitor to Mr John Oliphant, Sheriff Clerk of Edinburgh, George Halyburtoun, indweller in Edinburgh, Mr John Callender, 22nd September. 1634. Discharge by James Davidson, present jailor of the Canongate, and John Davidson, late jailor there, for certain sums of money to the Clerk of the Council.

servitor to the said James Prymrois, and Archibald Hislop, portioner of Mortounhall. [Signatures.] On the back is warrant for registration of the discharge signed by Mr John Gilmore, advocate, as procurator for the dischargers, dated the same day. Miscellaneous Papers.

5th February 1635. Act by the Court of High Commission anent Malcolm Crawford of Cartsburn, who is accused of breaking into the Church of Greenock in order to bury his mother, Lady Kilbirnie.

304. Extract act of the High Commission Court, dated at Edinburgh, 5th February, 1635; present, John, Archbishop of St Androus, primate, metropolitan and High Chancellor of Scotland, William, Earl of Dumfreise, Adam, Bishop of Dumblane, Neill, Bishop of the Ylls, Mr James Hanna, Dean of Edinburgh, Mr Andrew Ramsay, one of the ministers of Edinburgh, Mr Thomas Aikinhead, one of the Commissaries of Edinburgh, Mr John Tennent, parson of Caldar, and Mr William Bennet, parson of Auchrume, lords of his Majesty's High Commission, in the complaint at the instance of Mr Patrick Forrest of Archerfeild, advocate, procurator fiscal of the said High Commision, against Malcolm Craufurd of Cartisburne, who, by himself, his servants and others not only has "most barberouslie and inhumanly violat and trangressed and brokine the lawdable actes, statutes and actes of Kirke by making of kirk buriell in maner efter specifeit, bot also, in contempt of the worshipe of God, hes abused the place of his publict service as is efter mentionat, viz.:—The said Malcum having resolved to burie his mother, Margaret Blaire, Ladie Kilburne, privatlie, he wpon the sext day of December last caused sum fewe fishermen carie her wnder night to the kirke of Greinok, and, because the dores of the said kirke wer faste, the said Malcum be himself, his servands and others in his name, of his causing, command, assistance and ratihabitioune, did about twell houres at night the said day or thereby most violently breake up the kirke dore of the said kirke and thair, without any right, leave or tollerance, caused burie the said Ladie Kilburnie. And not content thairwith the said Malcum himself did breake up the remanent dors of the said kirk and breake the haill barrs of the samine with his awne hand, as it wer triumphing over the house of God, to the great heart breake of the godly and example of the wicked to doe the lyke; and he, being bodine in feare of warr with guns, pistolets, halbarts and jedwart staves, avowed to slay any that wald cum thair but such as wer inveited." The case being called on 20th January last and the said Malcolm Crawfurd appearing with John Crawfurd of Kilburnie, his nephew, he confessed having done wrong in acting as above, and he and his said nephew voluntarily offered and bound themselves "to inlearge the south yle off the said kirke of Greinocke possessed be them twentie two fitts of lengthe"; whereupon the Court continued the matter until this day, and then ratified and approved the offer made as above, remitting all further trial and punishment for the said offence to Patrick, Archbishop of Glasgow. They have ordained the said Malcolm Crawfurd and his said nephew to complete their obligation

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before Michaelmas next under pain of horning, and they now crave that the Lords of Privy Council will interpone their authority to this effect in terms of his Majesty's High Commission. Signed by Mr William Hay, clerk of the said Commission.

305. "To the Most Honorable Previe Counsale—A Petitioun and Remonstrance from the distressed Inhabitantis of Orknay and Zetland— Humblie showing that whereas the hand of God, by a most fearefulle famine lying upon these said countreis, is well knowne to your honouris and the whole kingdome, insomuche that your honouris was moved to mak the samin knowne to the kingdome, and the case was so urging that the whole kingdome most graciously contributed to the necessitie thereof, but (the samin so greatlie prevaleing, and God haveing blissed his Majestie with suche a multitude of people there, that a voluntarie contributioun in that kind, tho liberallie bestowed, not being able to countervale the said necessitie) the samin continewes: And now (by reason of the preceiding yeeris want of seid and extraordinarie stormes little accreaseing and that whiche did accrease being utterlie brokin and blasted), the said famine increaseth, the peopill have expended their whole stock and small meanes, destroyed and eattin thair cattell and store for serving the present necessitie, flying the country, and in the mean tyme nothing expected but generallie a plaine supplantation, in which case (and in consideration of the ancient note and worth of these Islandis, his Majesteis owne propirtie and croun landis and in a particular maner in his Majesteis owne handis, lying in the sight of all strangeris tradeing and frequenting thither from all the northerne pairtes of Europe to all pairtis of the world, as also the inhabitantis have bene and ar great supporteris of the kingdome in many thingis necessarie, they in a most deutifull maner, besyde there owne interesses whiche concerneth his Majestie, also finding the standing of those countreis muche to concerne him and the state both in particular and honour, have thoght that they could not acquite themselvis good subjectis in seeing suche a member in hazard to be cut of and his Majestie not to be acquent thairwith. For which cause, after meiting and consultation had to that effect, the justices, ministeris, gentrie, his Majesteis immediat tenentis, undersubscrivearis heirof, for themselvis and by advyse and consent of the whole bodie and commonality have maid nomination and election of the respect-worthie gentlemen, Mr John Dick, fear of Bread, and George Sinclair of Ropnes, and ather of thame, conjunctly and severally, to go for thame and in thair names andbehalffis to remonstrate the case to his Majestie and to do so therein as sum tymous and gracious remedie may be applyed to the sore, with confidence in his Majesteis most gracious owne consideration of the case, leaving all farder instructiouns and remitting the same to the discretiones of the beiraris if any thing shall

21st February 1635. Petition to the Council by inhabitants of Orkney and Shetland anent a famine which is afflicting the said islands.

be thoght neidfull to be done to that effect. And knowing that the progress of all bissiness with his Majestie doth rest upon your honoure, and his Majesteis most gracious will and pleisure in this present case will depend muche from ane approbation of their course from your honorable table, they have addressed themselves thereto with there said remonstrance, further declairing that if these said Islandis be once supplanted of the naturallis thereof (the nature of leving is such there) they shall never be agane planted. And therefoir they beg that a certificat heirof . . . . . [torn] . . . . . may be gevin them that thairupoun they may ground thair remonstrance that such a course may thairin be takin as his Majestie in his most gracious consideration shall think fitting and aggreable to the great necessitie. In witnesse whereof the said justices, ministrie, gentrie, his Majesteis immediat tenentes, having by advise and in behalf, as said is, takin burthen, have subscrived these presentis with thair handis. At Kirkwall in Orknay, the twentie ane day of Februar, 1635. (Signed) E. Sinclair off Essinquoy; H. Aitkin; R. Monteith; Robert Sinclar of Campstoun; Halcro; Eduard Steuart; W. Henrysone; Wm Sinclair; D. Heart; J. Coluill; David Kincad; W. Cragie; Johne Cromartie; Patrick Murray; Robert Bellenden; Hew Halcro; Jo^{n} Sklatter; P. Balfour; James Cok; James Fea, elder; Eduard Cok; John Grott; Eduard Scollay; Mr Daniell Callendar, minister at Sowthranaldsay; Mr Tho. Cok, minister at Sanday; Mr J. Morisone, minister at Edvie: Mr David Watsone, minister at Westray; Mr Walter Steuart, minister at Rausay; Mr James Haigie, minister at Burnes; M. R. Peirsone, minister at Firthe."

28th February 1635. Letter of the Earl of Wentworth, Lord Deputy of Ireland, to the Council anent a petition of Archibald Weir, merchant burgess of Irvine, that he may be licensed to export meal and oats notwithstanding the existing prohibition.

306. "After our verie hartie commendacons to your good Lordships, Your letters of the xijth of January last in favor of Archibald Weir, merchant and burges of Irwing in that kingdome, with request that hee might bee licenced by us (notwithstanding the present restriction in those cases) to exporte from hence thither five hundred barrells of oats and three hundred barrells of meale, came to the hands of us, the Lord Deputy, on the xviijth day of this instant, whiche wee forthwith communicated with the Councill, that, as the restriction in those cases did arrise from their joint advises, soe the resolucion to bee now taken therin might likewise bee the joint councill of us all. And howsoever the causes moving that restraint (arrising from the extraordinarie scarcitie of graine in sundrie parts of this kingdome) are soe just and necessarie as now, uppon further debate therof we finde a necessitie of remaining stil constant in the reasons inducing it, and had therefore determined with our selves not to listen to any suite to bee made to us for dispensing therwith in any private mans interest, yet considering the importance of your Lordships recommendacioun, accompanied also with the publicque interest of that kingdome in respect of the

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scarcitie of graine there, wee have (as beeing indeede unwilling to denie you anything) resolved to yeeld to your request. And therefore wee, the Lord Deputy, have licenced the said Archibald to exporte hence the said five hundred barrells of oats and three hundred barrells of meale as your Lordships desire, to whom only hee owes the thanckfullness of this favor don him. And soe wee comitt your Lordships to God and remane. From his Majesties Castell of Dublin, *ultimo* February, 1635. Your Lordships very assured loving frends (Signed) Wentworth; Wm Parsons; Ad: Loftus; R. Dillon; Geo. Radcliffe; Rob Meredeth; R^d^. Bolton." Addressed on back: "To the right honourable our very good lords and very loving frends the lords and others of his Majestie's honourable Privy Council in the kingdom of Scotland."

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